# Procedures for Promoting and Maintaining a Safe Learning Environment

Incorporated by reference and is a part of

## School Board Rule 6Gx13–5D–108

*Maintenance of Appropriate Student Behavior*

MIAMI-DADE COUNTY PUBLIC SCHOOLS

# PROCEDURES FOR PROMOTING AND MAINTAINING A SAFE LEARNING ENVIRONMENT

(Incorporated by reference and is part of
School Board Rule 6Gx13- 5D-1.08,
Maintenance of Appropriate Student Behavior)

CODES EMERGENCIES POLICIES REGULATIONS RESOURCES

TELEPHONE NUMBERS

_____ Police/Fire Emergencies

_____ Miami-Dade Schools Police Department

_____ Fire Rescue

_____ Region Office

_____ Superintendent's Office

_____ Juvenile Justice Support Program

_____ Child Abuse

_____ Department of Children and Families

_____ Crisis Hotline

_____ Building Maintenance

BUREAU OF ADULT/VOCATIONAL, ALTERNATIVE
AND DROPOUT PREVENTION PROGRAMS
MIAMI, FLORIDA

Final Reading: January 2002

# THE SCHOOL BOARD
# MIAMI-DADE COUNTY, FLORIDA

Mr. Agustin J. Barrera, Chair
Dr. Martin Karp, Vice Chair
Mr. Renier Diaz de la Portilla
Ms. Evelyn Langlieb Greer
Ms. Perla Tabares Hantman
Dr. Robert B. Ingram
Ms. Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

**Student Advisor**
Adam Wexelbaum

**Superintendent of Schools**
Rudolph F. Crew, Ed.D.

Miami-Dade County
Public Schools
*giving our students the world*

# ZERO TOLERANCE FOR SCHOOL-RELATED VIOLENT CRIME

Section 230.235, Florida Statutes (F.S.), requires each school district to adopt a policy of zero tolerance for crime. The Florida Board of Education (FBE), in Rule 6A-1.0404, has established a zero tolerance policy on school violence, crime, and the use of weapons as a part of a comprehensive approach to reducing school violence. It is an effort to provide an environment that is drug-free and protects students' health, safety, and civil rights as stated in the State's Education Goals. The goal emphasizes the personal responsibility of students and the necessity of involving all stakeholders, including parent(s)/guardian(s), in achieving this goal.

This policy requires school districts to invoke the most severe consequences provided for in the Codes of Student Conduct in dealing with students who engage in violent criminal acts, such as homicide (murder, manslaughter); sexual battery; armed robbery; aggravated battery; battery or aggravated battery on a teacher or other school personnel; kidnapping or abduction; arson; possession, use, or sale of any firearm; or possession, use, or sale of any explosive device on school property, on school-sponsored transportation, or during school-sponsored activities.

EDUCATION-RELATED ACRONYMS USED IN THIS DOCUMENT

| | |
|---|---|
| AEP | Alternative Educational Programs |
| BIP | Behavioral Intervention Plan |
| DAE | Division of Alternative Education |
| DCF | Department of Children and Families |
| DJJ | Department of Juvenile Justice |
| EESAC | Educational Excellence School Advisory Council |
| ESE | Exceptional Student Education |
| FAB | Functional Assessment of Behavior |
| FAPE | Free Appropriate Public Education |
| FBE | Florida Board of Education |
| FDLE | Florida Department of Law Enforcement |
| FDOE | Florida Department of Education |
| FPC | Facilities Planning and Construction |
| F.S. | Florida Statutes |
| IDEA | Individuals with Disabilities Education Act |
| IEP | Individual Educational Plan |
| ISIS | Integrated Student Information System |
| JJSP | Juvenile Justice Support Program |
| LEP | Limited English Proficient |
| M-DCPS | Miami-Dade County Public Schools |
| OIT | Office of Information Technology |
| OPS | Office of Professional Standards |
| PARIS | Pupil Ad Hoc Response Information System |
| PPP | Pupil Progression Plan |
| PTA | Parent Teacher Association |
| PTO | Parent Teacher Organization |
| PTSA | Parent Teacher Student Association |
| SCMS | Student Case Management System |
| SCSI | School Center for Special Instruction |
| SESIR | School Environmental Safety Incident Reporting |
| SPP | Student Performance Plan |
| UTD | United Teachers of Dade |
| WL | Work Location |

## PURPOSE OF THE PROCEDURES FOR PROMOTING AND MAINTAINING A SAFE LEARNING ENVIRONMENT

This document, Procedures for Promoting and Maintaining a Safe Learning Environment, is incorporated by reference and is a part of School Board Rule 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior. It has been prepared to assist school administrators in promoting and maintaining a safe learning environment in the public schools of Miami-Dade County, Florida. These procedures and directions are set forth to guide and promote orderly and productive participation of students in school life and support the achievement of Florida's education goal for school safety and environment, Section 229.591(3)(e), F.S.

Student actions and behaviors that can be defined as disruptive and/or threatening must be dealt with according to Florida Statutes, and Florida Board of Education and Miami-Dade County School Board Rules. This manual contains information necessary to assist school administrators in making the most appropriate decisions and taking warranted action in promoting and maintaining a safe learning environment.

Miami-Dade County's public schools are designed to promote opportunities and develop skills to enable students to achieve academic excellence. This purpose is best achieved in a learning climate where the rights and responsibilities of every person are known, respected, and upheld. Continuous opportunities for all students, parents/guardians, staff members, and citizens to examine and discuss school practices and policies will be provided. Each person has the right to dissent and to present concerns in an orderly manner. In conjunction with these rights is the responsibility of refraining from infringing upon the rights of others.

The successful adaptation and implementation of these procedures are directly related to the:

- communication and articulation network developed at the school level;
- quality and consistency of responses from individual school principals; and
- confidence in, and understanding of, promoting and maintaining a safe learning environment.

Administrators, counselors, and appropriate staff are expected to become familiar with this document, to review it periodically, and to utilize it according to its inherent purpose -- promoting and maintaining a safe learning environment in the public schools of Miami-Dade County, Florida. As the administration and staff at each school site address the requirements of current Miami-Dade County Public Schools (M-DCPS) guidelines, they should also review modifications of requirements related to school discipline and school safety as established by the Florida Legislature.

Any changes that would have an impact upon this Procedures for Promoting and Maintaining a Safe Learning Environment based upon future interpretation or clarification of legislation by the Florida Department of Education (FDOE) will be communicated to appropriate staff by means of memoranda.

## TABLE OF CONTENTS

**Zero Tolerance for School-Related Violent Crime** ..... i

**Purpose of Procedures for Promoting and Maintaining a Safe Learning Environment** ..... iii

**Education-Related Acronyms Used in This Document** ..... iv

**Table of Contents** ..... v

**Chapter I - Discipline and the Law** ..... 1

**Chapter II - Reporting Crime and Disruptive Behavior** ..... 5

**Chapter III - Student and Community Participation** ..... 7

**Chapter IV - General Guidelines** ..... 11

Guideline #1: School Security Plan ..... 13
Guideline #2: Unauthorized Persons on Campus ..... 15
Guideline #3: Law Enforcement Officers on Campus ..... 17

Guideline #4: Child Abuse Reporting ..... 19
Guideline #5: Illnesses and Injuries to Students ..... 33
Guideline #6: Student Demonstrations ..... 35

Guideline #7: Search and Seizure ..... 39
Guideline #8:Use of Metal Detectors ..... 43
Guideline #9: Corporal Punishment ..... 47

Guideline #10: Alternatives to Suspension ..... 49
Guideline #11: Suspensions ..... 53
Guideline #12: Commission of Felonious Act or a Delinquent Act Which Would Be a Felony If Committed by an Adult ..... 59

Guideline #13: Possession, Use, Distribution, and/or Sale of Mood Modifiers or Controlled Substances ..... 63
Guideline #14: Preliminary Investigation by Administration ..... 67

Guideline #15: Continuous Disruptive Behavior ..... 69
Guideline #16: Opportunity School and Alternative Education Placement ..... 71
Guideline #17: Expulsions ..... 81
Guideline #18: Requesting Waiver of Expulsion ..... 89
Guideline #19: Discipline of Students with Disabilities ..... 93
Guideline #20: Discipline of National Origin Minority
or Limited English Proficient Students ..... 103

Guideline #21: Attendance/Credit ..... 105
Guideline #22: Teacher-Parent Communication ..... 111
Guideline #23: Counseling and Confidentiality ..... 115
Guideline #24: Controversial Presentations by Non-School Agencies ..... 117
Guideline #25: Student Expression ..... 119
Guideline #26: News Media ..... 121

Guideline #27: Student Publications/Media ..... 123
Guideline #28: Student Theatrical Performances ..... 129
Guideline #29: Student Dance Performances and/or Productions ..... 135
Guideline #30: Symbolic Expression ..... 141
Guideline #31: Student Dress ..... 143

Guideline #32: Flag Salute and Pledge ..... 145
Guideline #33: Dropout Prevention and Academic Intervention ..... 147

Guideline #34: Suicide Prevention and Intervention ..... 153
Guideline #35: Critical Incident Response ..... 159

Guideline #36: Release from School ..... 161
Guideline #37: Harassment ..... 163
Guideline #38: Use of Surveillance Systems ..... 167
Guideline #39: Removal of Student from Class and Possible
Exclusion of the Student by the Teacher ..... 171
Guideline #40: Notification Procedures Regarding Certain
Registered Sexual Predators ..... 175

**APPENDIX:**


Summary of Related Miami-Dade County School Board Rules ..... A-1
How to Report Incidents ..... A-3
Glossary of Specialized Terms ..... A-5

SESIR Incident Definitions (Florida Department of Education) ..... A-10
Student Trespassers ..... A-11

Notice of Work Assignment in Lieu of Suspension ..... A-13
Notice of Indoor Suspension ..... A-15
Agreement for Alternative Intervention Center Placement ..... A-17
Notice of Suspension ..... A-19
Summary of Procedural Safeguards for Students with Disabilities ..... A-21
Conference on Off-Campus Felonious Act ..... A-25
Recommendation of Suspension for the Commission of a
Felonious Act or a Delinquent Act Which
Would be a Felony If Committed by an Adult ..... A-27
Action Following Adjudication for an Off-Campus Felonious Act ..... A-29
Opportunity School
Assignment - Administrative ..... A-31
Voluntary Transfer to the Opportunity
School Program Written Parental Permission ..... A-33
Request for Opportunity
School Assignment - Voluntary ..... A-35
Notice of 10-Day Suspension Consideration of Expulsion ..... A-37
Expulsion Request ..... A-39
Work Back Program Guidelines for Recommended Length of Agreement
Based Upon Specific Infractions ..... A-41
Suspension/Expulsion of Exceptional Students Manifestation
Determination Form ..... A-43
Attendance/Credit Appeal Form ..... A-45
Superintendent's Administrative Directive Regarding
Teacher-Parent Communication ..... A-47
Suicide Prevention, Sample Letter to Parents ..... A-49
English ..... A-49
Spanish ..... A-50
Haitian Creole ..... A-51
Letter to Parents/Guardians from Superintendent of Schools ..... A-53
Letter to New Parents/Guardians from Principal ..... A-55
Sample: Registered Sexual Predators ..... A-57
Letter to Parent(s)/Guardian(s) from Principal ..... A-59

# CHAPTER I

## DISCIPLINE AND THE LAW

By law, students are under the direction of the principal during the time they are physically at school, during the time they are being transported to and from school at public expense, and during school-sponsored activities. The principal is also authorized to take administrative action in cases where a student's conduct away from school has a detrimental effect upon other students or the orderly educational process.

### Responsibility and Authority of the Principal

The principal, as administrative head of the school, is responsible for maintaining adequate discipline on the school premises to ensure the safety of all persons and property and the orderly advance of the educational process.

The principal has the authority, consistent with Florida Board of Education Rules, Miami-Dade County School Board Rules, and Florida Statutes, to:

1. develop school policies for the direction of students and communicate these policies to students, parents/guardians, and staff;

2. take reasonable action to enforce school policies, Florida Board of Education, Miami-Dade County School Board Rules, and Florida Statutes by establishing procedures for dealing with discipline problems; (A summary of related Miami-Dade County School Board Rules is provided in the Appendix, pages A-1 - A-2.)

3. delegate authority to any teacher or member of the staff and inform the individual of:

    a. the nature of authority granted and the manner in which this authority is to be used;

    b. Florida Statutes and Florida Board of Education and Miami-Dade County School Board Rules governing the use of this authority; and

4. establish preventive programs and provide adequate supervision of students.

**The principal's authority includes, but is not limited to:**

1. removal of a student from a school bus (not to exceed ten school days);

2. assignment of detentions;

3. exclusion of a student from a particular class (not to exceed ten school days);

4. placement of a student in the School Center for Special Instruction (SCSI) in lieu of suspension (not to exceed ten school days);

5. assignment of student work assignments in lieu of suspension;

6. suspension from school (not to exceed ten school days) except as outlined in Guideline #11;

7. recommendation for administrative assignment to alternative school programs; and

8. recommendation for expulsion.

**Responsibility and Authority of the Teacher**

Subject to Florida Statutes and Miami-Dade County School Board Rules, each teacher or other member of the staff of any school shall have authority for the direction and discipline of students, as assigned by the principal or designee, and shall keep good order in the classroom and in other places in which responsibility for students is assigned.[1]

**Responsibility of the Parent for Student Behavior and Attendance**

Florida Statutes require attendance in school for all children between the ages of six and sixteen and make the parent(s)/guardians(s) legally responsible for compliance with the law. (Section 232.01, F.S.)

Parents have an obligation not only to keep their children in school, but also to report and explain any absence to the teacher or principal of the school daily, or as soon as possible. Failure to comply carries a possible criminal penalty. (Section 232.09, F.S.)

Parent(s)/guardian(s) are responsible for any damage to school property as a result of their minor child's actions. Section 741.24, F.S., authorizes recovery of actual damages, from the parent(s)/guardian(s) of any minor child who willfully destroys any property, real or personal, belonging to the school district. Section 233.47, F.S., also makes the parent(s)/guardian(s) liable for loss or destruction of, or unnecessary damage to or failure to return textbooks and other instructional materials issued to their child.

---

[1] Section 232.27 F.S.

The principal may not withhold the transfer of student records for failure of a parents/guardians to reimburse the school for loss, destruction, unnecessary damage to, or failure to return textbooks. However, the student's records may reflect the parent(s)/guardian(s)' refusal to fulfill the obligation. EXCEPTION: If a parent/guardian signs an affidavit indicating financial inability to provide restitution, such notation should not be made on the record.

## Liability of Teacher or Principal

Except in the case of excessive force or cruel and unusual punishment, a teacher, other member of the instructional staff, principal or designee, or a bus driver shall not be civilly or criminally liable for any action carried out in conformity with Florida Statutes, Florida Board of Education and Miami-Dade County School Board Rules regarding the control, discipline, suspension, and expulsion of students.[1]

---

[1] Section 232.275, F.S.

## CHAPTER II

## REPORTING CRIME AND DISRUPTIVE BEHAVIOR

All employees of Miami-Dade County Public Schools are required to report any criminal act or other disruptive behavior occurring on Miami-Dade County School Board property to the responsible administrator or designee. The responsible administrator will conduct an immediate investigation of the allegation and, upon verification of a criminal act, report the incident for investigation to the Miami-Dade Schools Police Department at 305-757-0514 (School Board Rule **6Gx13- 4A-1.21, Permanent Personnel, Responsibilities and Duties**). Miami-Dade Schools Police Department will maintain statistical data on law violations occurring on school premises and will determine the extent of follow-up by the investigative staff.

Students are responsible for reporting any criminal act or other disruptive behavior occurring on the school premises to the teacher or principal; all students shall be notified annually of this responsibility.

The principal or designee is to report any criminal act occurring on school premises or at any school-related function to the Miami-Dade Schools Police Department. Such functions include, but are not limited to, athletic events, field trips (in and out of the county), and dances. When such incidents are reported, a Miami-Dade Schools Police Department case number will be issued to the reporting individual. (See Appendix, page A-3, for Flow Chart: **How to Report Incidents.**)

The principal or designee MUST report to the Miami-Dade Schools Police Department the following law violations if they occur. (This list is not intended to be all inclusive.) (See **Glossary of Specialized Terms** in the Appendix, pages A-5 - A-9, for definitions.)

- Homicide (Murder)
- Sexual Battery
- Sex Offenses
- Arson
- Kidnapping
- Assaults and Batteries
- Weapons, Possession, Use and/or Concealment of
- Robbery/Armed Robbery
- Theft
- Possession, Use, or Sale of any Firearm or Destructive Device
- Property Damage
- Possession, Use, or Sale of any Explosive Device
- Bomb Threat
- Trespassing on School Property
- Possession, Sale, or Distribution of Mood Modifiers
- Breaking and Entering
- Inciting Individuals to Disrupt any School Function or Class

In addition to the categories of crime violations listed above, the Florida Department of Education (FDOE) has identified the following incidents that must be reported to SESIR (School Environmental Safety Incident Reporting) and are expected to be reported to law enforcement.

- Alcohol
- Arson
- Battery
- Breaking and Entering/Burglary
- Disorderly Conduct
- Drugs - Excluding Alcohol
- Homicide
- Kidnapping
- Motor Vehicle Theft
- Robbery
- Larceny/Theft
- Sexual Battery
- Threat/Intimidation
- Trespassing
- Vandalism
- Weapons Possession
- Other Major Incidents

Additionally, the Florida Department of Education identifies the following incidents that must be reported to SESIR, but which may not need to be reported to law enforcement. For definitions of both types of these Florida Department of Education categories, see Appendix, page A-10.

- Fighting
- Sexual Harassment
- Sexual Offenses
- Tobacco

As the Miami-Dade Schools Police Department has primary jurisdiction, the principal or designee must determine whether the Miami-Dade Schools Police Department should be notified of disruptive behavior and other incidents that the principal handles routinely or resolves through regular disciplinary measures. It should be emphasized that in all instances of an emergency the principal or designee should dial 911 for police and/or fire rescue. The local police jurisdiction may or may not respond depending on the incident. The Miami-Dade Schools Police Department must still be contacted simultaneous to the 911 call.

## CHAPTER III

## STUDENT AND COMMUNITY PARTICIPATION

Achieving Florida's Education Goal for School Safety and Environment requires the participation of students, parent(s)/guardian(s), and community members in planning to achieve the objectives given below.

### Student Committees

Schools are expected to shall establish one or more student committees to achieve the following specific purposes or objectives:

1. **To improve student behavior**

   Committee functions may include:

   a. review of existing school policies;

   b. communication with school groups concerning the maintenance of an orderly school atmosphere;

   c. establishment of a student security council to advise or assist the school faculty in recommending or implementing various security measures; and

   d. recommendations to the principal for updating school policies.

2. **To foster better human relations within the school and community**

   Committee functions may include:

   a. identification of school and community problems;

   b. proposition of alternative solutions to problems; and

   c. identification of sources of rumors and informing the school administration.

3. **To resolve student concerns**

   Committee functions may include the establishment of a process whereby students

in the school, based upon their maturity, have an opportunity to voice concerns, express opinions, and make constructive recommendations.

**Parent Organizations**

Parent organizations such as the Parent Teacher Association/Parent Teacher Student Association (PTA/PTSA), school advisory committee, or other participating parent organizations are to be established to advise principals on matters involving student welfare.

Principals should implement procedures necessary for organizing parent groups early in the school year. The primary function of parent organizations is to advise the principal on the maintenance and enhancement of a sound, safe educational climate for learning.

The principal has the responsibility for the following:

1. publicizing and holding regularly scheduled meetings during the school year, at times and locations designed to accommodate the community served;

2. establishing a communications network so multi-ethnic, multi-racial groups can readily contact the school and their representatives;

3. keeping minutes of proceedings and presenting them to the groups and school community;

4. assisting the parent organization in planning programs that include the total school community in a manner that will foster solidarity and enhance harmony; and

5. providing administrative leadership to assist organizations, committees, sub-committees, and groups with continuous self-evaluation.

Annually, all principals, with the cooperation of their parent organizations, shall conduct a forum composed of parents/guardians, teachers, and, when appropriate, students, for the purpose of discussing discipline and making recommendations for improving the educational climate in the school.

## Selection of Participants for Student Committees and/or Parent Organizations

The principal must ensure that all viewpoints evident in the community are recognized or represented in one or more committees. All available resources and techniques should be utilized in the selection and identification of committee members for both student committees and parent groups. Such resources might include, but not be limited to, civic groups, church groups, faculty, students, or other concerned citizens. The intergroup relations team may be utilized to assist with any of the student committees, especially the human relations committee.

The following factors should be considered in the selection and composition of student committees or parent organizations:

1. ethnic representation;
2. representation of varying viewpoints and philosophies;
3. gender balance;
4. socio-economic groups;
5. geographic areas; and
6. representation from special programs, e.g., Exceptional Student Education (ESE), gifted, bilingual, magnet.

Recommendations of student committees or parent organizations may be made directly to the school administration or to the administration through existing school organizations, e.g., a student committee may submit a recommendation to the administration through the student government organization.

## CHAPTER IV

## GENERAL GUIDELINES

To further implement and supplement Miami-Dade County School Board Rules pertaining to discipline, the following general guidelines, as directives of the Miami-Dade County School Board, are to be observed by all schools and region offices:

1. Region superintendents and adult and vocational education staff are to hold special conferences early in the school year, involving the Miami-Dade Schools Police Department Chief or designee and representatives of appropriate law enforcement agencies in the area, to establish clear lines of authority and communication in dealing with, or preventing, school incidents that involve violation of laws.

2. Principals are to advise all students and parents/guardians annually, in writing, and in a language they can understand, of the contents of the **Codes of Student Conduct** and the reasons for suspensions, expulsions, and exemptions specified in **Miami-Dade County School Board Rule 6Gx13- 5A-1.062, Suspension, Board-Approved Alternatives, Expulsion, and Referral to the Department of Children and Families (DCF)**, including exemptions specified in **Miami-Dade County School Board Rule 6Gx13- 5A-1.04, Student Attendance--Specific Responsibilities.**

3. Principals are to advise parents/guardians, students, and staff, in writing, of the proper procedure for reporting significant incidents which have occurred at school. All persons shall be encouraged to use this procedure for reporting knowledge of any unlawful act or the foreknowledge of any planned disruptive or unlawful activity.

4. Each principal and staff member shall establish written procedures that are to be used in their school by staff members seeking administrative assistance in handling difficult and disruptive students, including directions for use of the **Student Case Management System (SCMS).** Such plans must have the approval of the region superintendent and should include the procedures that teachers must follow when referring students to the principal, or designee, as well as the process that the principal, or designee, may authorize for effecting changes in students' behavioral patterns. The teacher shall have the right and authority to exclude any disruptive student from the classroom pending a conference with the parent/guardian and/or a final determination by the principal or designee.

5. In developing these procedures, care should be exercised to be certain that all school regulations are consistent with the democratic process. As such, all school regulations should be consistent with the freedoms guaranteed by the U. S. Constitution, including, but not limited to, the right of free speech, the right to petition, the right of assembly, the right to religious freedom, and the right to be free from unreasonable search and seizure.

6. The principal is responsible for developing an educational environment that is conducive to effective learning, that is free from arbitrary restrictions, and that protects the health, safety, and general welfare of all members of the educational community. The principal of a school shall see that all these freedoms are exercised in a manner commensurate with the maturity level of that school's student body.

## GUIDELINE #1: SCHOOL SECURITY PLAN

| CURRENT LAW AND/OR PRACTICE |
| --- |
| Students are under the control and direction of the principal during the time they are physically at school and during the time they are being transported at public expense to and from school. |

### PROCEDURES

1. The principal shall develop a school security plan that may include, when conditions warrant, part or all of the following actions to be taken when school is in session. In the development of the plan, consideration should be given to the use of teachers, parent groups, student organizations, the Miami-Dade Schools Police Department and community groups, when advisable.

    a. Keep all outside doors locked except for the main entrance or the door nearest the main administrative office. Keep the doors of unused rooms or areas locked. (As a reminder of safety regulations, doors must not be locked or chained from the inside at any time.)

    b. Maintain close supervision of persons entering the school and direct them to the main office. Advise all staff members that former students or other visitors invited to visit a class must go to the office first to obtain a pass. Teachers inviting guest speakers for their classes are to clear such visits in advance of the invitation with the principal.

    c. Assign appropriate personnel to patrol halls, isolated areas, classrooms, restrooms, and other locations on campus. Students should be required to have hall passes when out of class.

    d. Devise bell signals or public address signals to alert teachers to danger, to have appropriate staff members go to designated posts, and to have the staff lock classroom doors or undertake other protective action.

    e. Involve Miami-Dade Schools Police Department personnel in your school.

**Guideline #1: School Security Plan (continued)**

2. The principal shall develop a school security plan which may include, when conditions warrant, part or all of the following actions to improve security and reduce the possibility of assault on school employees when students are not in attendance.

   a. Mandate that M-DCPS employees, after receiving approval from an administrator, who find it necessary to return to school at night or on weekends, be accompanied by at least one other person and call the alarm desk (305-995-1550) before entering and exiting the building.

   b. Close and lock all outside doors and monitor entry into the main entrance of the building. However, doors must not be chained at any time.

   c. Arrange for teachers to work in groups, when possible.

   d. Utilize public address signals to alert teachers to danger, to have appropriate staff members go to designated posts, and to have the staff lock classroom doors or undertake other protective action.

   e. Use the public address system to monitor teachers who must work in isolated classrooms.

   f. Hold all staff meetings, e.g., faculty, grade-level, subject area, and employee organizations, as soon as possible after the dismissal of students.

   g. Encourage teachers leaving the building after the close of school to go to their automobiles in groups.

   h. Review Miami-Dade County School Board Rule 6Gx13- 6A-1.06, Emergency Management Procedures, pages 53-54.

## GUIDELINE #2: UNAUTHORIZED PERSONS ON CAMPUS

### CURRENT LAW AND/OR PRACTICE

Section 810.097, F.S., provides, in part, that "Any person who does not have legitimate business on the campus or any other authorization, license, or invitation to enter or remain upon school property; or is a student currently under suspension or expulsion; and who enters or remains upon the campus or any other facility owned by any such school commits a trespass upon the grounds of a school facility and is guilty of a misdemeanor of the second degree..."

The same statute also contains a provision stating that "Any person who enters or remains upon the campus or other facility of a school after the principal of such school, or his/her designee, has directed such person to leave such campus or facility or not to enter upon the campus or facility, commits a trespass upon the grounds of a school facility and is guilty of misdemeanor of the first degree..."

The school district is responsible for creating a climate in the schools that ensures the safety and welfare of all students and personnel. If the presence of unauthorized persons in any way tends to disrupt or to nullify a climate designed to ensure safety and an environment for learning, such persons should be asked to leave the premises by the principal or his/her designee.

All persons having legitimate business on campus/facility are expected to follow these procedures, including parents and guardians.

### PROCEDURES

1. The principal should maintain signs in prominent locations throughout the campus or any other facility directing persons who enter the campus to report to the office for a pass. Signs are to be provided for persons who speak languages other than English.

2. If guest passes are used, they should be prominently displayed by the guest when walking in the hall or walking around the campus/facility.

3. If the person's presence on campus/facility is judged to be disruptive, the person should be asked to leave the school building or campus/facility.

**Guideline #2: Unauthorized Persons on Campus (continued)**

4. Except under unusual circumstances, physical force should not be used to remove a trespasser from the campus/facility. In the event that a person refuses to leave the school campus/facility, the assistance of the Miami-Dade Schools Police Department or other police authority should be solicited.

5. In the absence of a Miami-Dade Schools Police Department officer, the principal should notify the local law enforcement agency by telephone.

6. A card catalog may be maintained listing descriptions of all cars that enter the campus parking lot illegally. It will serve as a reference in case of theft, vandalism, etc. These cards may contain make, style, color, and license numbers of the cars, whenever possible. Upon the principal's request, the Miami-Dade Schools Police Department will assist in securing registration and ownership.

7. In cases where the unauthorized person is recognized as a student from another school, the home school will be notified and the principal of the home school will notify the parent, following requirements of the Code of Student Conduct. (See Appendix, page A-11, for sample letter to parent.)

## GUIDELINE #3: LAW ENFORCEMENT OFFICERS ON CAMPUS

### CURRENT LAW AND/OR PRACTICE

Law enforcement officers may enter the school and serve subpoenas. A student may not be released to persons other than a person listed on the emergency contact card, including but not limited to a parent or legal guardian unless taken into custody by **legal authority**. Legal authority includes law enforcement officers and authorized agents of the State of Florida, Department of Children and Families (DCF)[1] **This Guideline applies to all law enforcement officers including officers of the Miami-Dade Schools Police Department.**

**This Guideline DOES NOT apply to the investigation of child abuse cases. Refer to Guideline on #4, Child Abuse Reporting, for assistance in dealing with child abuse cases.**

The district school system should cooperate with all law enforcement agencies in the enforcement of laws and regulations pertaining to all matters related to education and child welfare.[2] It is paramount that the rights of the school, the home, the legal authorities, and the individual be clearly understood and protected.

### PROCEDURES

When students become involved with law enforcement officers, the officers, unless Miami-Dade Schools Police, should be requested to confer with the student at a time when the student is not under the jurisdiction of the school. However, when this is impractical, a law enforcement officer may confer with a student during regular school hours for the following reasons and under the following conditions:

1. **To confer with students within the school**

   a. the officer must show appropriate identification (including Miami-Dade Schools Police Department officers when not in uniform);
   b. permission must be given by the principal or designee;
   c. every effort should be made by the principal or designee to contact the parent/guardian or person on the emergency contact card and give him/her the opportunity to be present during the interview;

[1] Section 39.401, F.S.

[2] Sections 230.23(13) and 230.33(14), F.S.

d. the student is to be removed from the classroom by school personnel;
e. the discussion must be conducted in private with the principal or designee present;
f. the student shall be afforded the same rights as when he/she is outside of the school, including the right to be informed of legal rights, the right to protection from coercion and constraint, and the right to remain silent; and
g. law enforcement officers have no right to remove a student from school for purposes of questioning.

**2. To remove a student from school, to take a student into custody, or to make a lawful arrest**

Law enforcement officers or authorized agents of the Department of Children and Families may remove a student from school under the following conditions:

a. arrests may be made upon presentation of a warrant when specified by law;
b. an officer, when taking a student into custody, need not display an order or a warrant if the officer has reason to believe that the student has committed a felony.[1] The officer's oral statement to this effect shall be sufficient. A staff member must be a witness to this statement;
c. a court order is presented[2];
d. reasonable grounds to believe the child has been abandoned, abused, neglected, is suffering from illness or injury, or is in immediate danger from the surroundings;
e. reasonable grounds to believe the student is a runaway; and/or
f. reasonable grounds to believe the custodian of a student under protective supervision has violated in a material way a condition of probation.

**3. To serve a subpoena**

Law enforcement officers have an absolute right to enter schools to serve subpoenas.

In all these situations, every possible step should be taken to ensure a minimum of embarrassment or loss of class time for the student. Law enforcement officials should be encouraged to contact students off the school grounds during hours when school is not in session.

[1] Section 901.15(3), F.S.
[2] Section 39.401(1), F.S.

## GUIDELINE #4: CHILD ABUSE REPORTING

**CURRENT LAW and/or PRACTICE**

Pursuant to Section 39.201(2)(a), F.S., each report of known or suspected child abuse, abandonment, or neglect pursuant to this section shall be made immediately to the Department's (Florida Department of Children and Families) Central Abuse Hotline on the single statewide toll-free telephone number at 1(800) 96 ABUSE.

This statute applies to suspected or confirmed reports against a child regardless of occupation. Teachers, school officials or personnel are included in this statute. Chapter 794, F.S., defines sexual battery and Chapter 800, F.S., defines lewdness and indecent exposure.

Any reports involving perpetrators who reside outside of the State of Florida will be accepted by the Central Abuse Hotline so long as the victim is residing in the county in Florida where the report is being made.

A person who is required by Section 39.201, F.S., to report known or suspected child abuse or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, Section 775.083 or Section 775.084, F.S.

### GENERAL DEFINITION OF ABUSE

Child abuse is defined to include harm or threatened harm to a child's physical or mental health or welfare by the acts or omissions of a parent, adult household member, or other person responsible for the child's welfare, or, for purposes of reporting requirements, by any person. Harm to a child's health or welfare can occur when the parent or other person responsible for the child's welfare inflicts, or allows to be inflicted, upon the child physical, sexual or mental injury that causes or is likely to cause the child's physical, mental or emotional health to be significantly impaired.

As noted in the statutory definition of child abuse, in determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child:

- The age of the child;
- Any prior history of injuries to the child;
- The location of the injury on the body of the child;

- The multiplicity of the injury; and
- The type of trauma inflicted.

EXAMPLES OF ABUSE

I. **Physical Abuse** - willful acts that produce the following specific injuries:

A. Sprains, dislocations, or cartilage damage.

B. Bone or skull fractures

C. Brain or spinal cord damage

D. Intracranial hemorrhage or injury to other internal organs

E. Asphyxiation, suffocation, or drowning

F. Injury resulting from the abuse of a deadly weapon

G. Burns or scalding

H. Cuts, lacerations, punctures, or bites

I. Permanent or temporary disfigurement

J. Permanent or temporary loss or impairment of a body part or function

K. Purposely giving a child poison, alcohol, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury. For the purposes of this paragraph , the term "drugs" means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Section 893.03, F.S.

L. Inappropriate or excessively harsh disciplinary action taken likely to result in physical injury, mental injury as defined in this section, or emotional injury. The significance of any injury must be evaluated in light of the following factors: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Corporal discipline may be considered excessive or abusive when it results in any of the injuries set forth in subsection I (A-J) above.

As used above, the term "willful" refers to the intent to perform an action, not to the intent to achieve a result or to cause an injury:

## II. Neglect

The term "neglects the child" means that the parent or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so, or leaving a child without adult supervision or arrangement appropriate for the child's own needs or another's basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis. However, a parent or other person responsible for the child's welfare who, by reason of the legitimate practice of religious beliefs, does not provide specific medical treatment for a child may not be considered abusive or neglectful for that reason alone, but such an exception does not:

A. Eliminate the requirement that such a case can be reported to the Department of Children and Families;

B. Prevent the Department of Children and Families from investigating such a case; or

C. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined in this section, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

## III. Sexual Abuse

A. Commits, or allows to be committed, sexual battery, which is defined as follows:

Oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

OR

B. Commits lewd or lascivious acts, against the child as defined as follows:

1. Handles, fondles, or assaults any child under the age of 16 years in a lewd, lascivious, or indecent manner;

2. Commits actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, actual lewd exhibition of the genitals, or any act or conduct which simulated that sexual battery is being or will be committed upon any child under the age of 16 years or forces or entices the child to commit any such act;

3. Commits an act defined as sexual battery, as set forth above, upon any child under the age of 16 years.

4. Knowingly commits any lewd or lascivious act in the presence of any child under the age of 16 years.

OR

C. Allows, encourages, or forces the sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit or engage in prostitution; or

2. Engage in a sexual performance.

## IV. Abandonment

The term "abandons the child" means that the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligation. If the efforts of such a parent or legal custodian or person primarily responsible for the child's welfare to support and communicate with the child are only marginal efforts that do not evidence a settled purpose to assume all parental duties, the child may be determined to have been abandoned.

## V. Additional Categories of Abuse

A. Exploits a child, or allows a child to be exploited. (Hiring and employing; infliction of pain or suffering)

B. Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. Use by the mother of a controlled substance or alcohol during pregnancy when the child, at birth, is demonstrably adversely affected by such usage.

OR

2. Continued chronic and severe use of a controlled substance or alcohol by a parent when the child is demonstrably adversely affected by such usage. The term "controlled substance" means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Section 893.03, F.S. The parent of a newborn infant may not be subject to criminal investigation solely on the basis of the positive drug toxicology of a newborn infant.

C. Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control children.

D. Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child.

E. Negligently fails to protect a child in his/her care from inflicted physical, mental, or sexual injury caused by the acts of another.

F. Has allowed a child's sibling to die as a result of abuse or neglect.

## REPORTING PROCEDURES

### I. Reporting Non-School Related Child Abuse

A. Pursuant to Florida law, suspected abuse perpetrated by anyone must be immediately reported to the Florida Department of Children and Families Central Abuse Hotline, Tallahassee, Florida (**1-800-96-ABUSE-Toll Free.**) The report should include the child's name and other identifiable information, e.g., date of birth, ethnicity, sex, reporting date and a very brief narrative of the alleged abuse. Any School Board employee aware of suspected or confirmed child abuse committed by a Non-School Board employee, shall immediately complete the following procedures (for flow charts of procedures after notifying the DCF Central Abuse Hotline, see pages 29 and 30):

1. Report the abuse to the Department of Children and Families Central Abuse Hotline as set forth above.

2. Report the abuse to a school-site administrator.

3. Report the abuse to the Miami-Dade Schools Police Department.

4. **NO SCHOOL-SITE EMPLOYEE SHALL CONTACT THE CHILD'S PARENT OR GUARDIAN.** The representative from Department of Children and Families or law enforcement agency will contact the parent/guardian.

B. Should a citizen report a suspected case of child abuse to a School Board employee, it becomes the responsibility of the employee to complete the procedures set forth in subsection I (A)(1) above.

C. When a child discloses information to one school staff member regarding abuse, a determination should be made as to where the incident occurred, for appropriate law enforcement notification, **then no further questioning of the child by School Board employees shall take place.** The person who reports the alleged abuse shall remain at the school and an appropriate School Board employee shall remain with the child until either the Department of Children and Families or law enforcement arrives on campus. At that point questioning of the child may resume, but only at the direction of either the Department of Children and Families or law enforcement agency.

D. In the event a report of suspected child abuse is made **after regular school hours,** the School Board employee must complete the procedures set forth in subsection I (A)(1) above. In the event a school administrator is unavailable because the report occurred after hours, the School Board employee must be sure to inform the school administrator the following morning. If the Miami-Dade Schools Police Department is unavailable and the incident occurred on School Board property, a request should be made to have an on-call Miami-Dade Schools Police Department investigator respond. If the incident occurred off campus the School Board employee shall call police emergency at 911. **Please note that the Department of Children and Families Central Abuse Hotline must always be called first.**

E. **No separate record shall be created and maintained by the school or school staff members during the investigation. All information pertaining to child abuse cases is confidential.** Additionally, the individual who reports the alleged abuse shall not be identified as the reporter except to those authorized representatives from the Department of Children and Families or the appropriate state attorney or law enforcement agency.

**Guideline #4: Child Abuse Reporting (continued)**

F. Reporting of incidents to the Department of Children and Families will prompt an investigation by the Department of Children and Families and/or law enforcement agency. **No additional investigation should be initiated by any school-site personnel**. Depending on the nature of the allegations, a representative from one or both of those agencies has the authority to conduct an interview with a student on school premises during the school day and may come to school to do so. Upon arriving on campus the representative from the Department of Children and Families and/or law enforcement agency shall advise the principal or his or her designee of that agency's presence and purpose. Upon the presentation of proper identification such individuals must be given access to the student. In accordance with Section 39.301 (16), F.S., a school staff member known to the child may be present during the interview only under the following conditions:

1. A representative from the Department of Children and Families or law enforcement believes that the school staff member(s) could enhance the success of the interview, **and**

2. A school-site administrator has informed the alleged abused child that the child may have a staff member present and the child chooses to do so.

G. When a determination has been made to conduct an interview on school grounds, it should be conducted in an area that ensures confidentiality and avoids embarrassment to the student. If the representative from the Department of Children and Families or law enforcement agency determines that the student is to be removed from school, this shall be done as inconspicuously and expeditiously as possible. **The agency who removes the student from school shall be responsible for contacting that student's parent(s) or guardian(s).**

## II. Reporting Child Abuse Committed by a School Board Employee

A. Any School Board employee aware of suspected or confirmed child abuse committed by a School Board employee, shall immediately complete the following procedures (for flow charts of procedure after notifying the DCF Central Abuse Hotline, see pages 31 and 32):

1. Report the abuse to the Department of Children and Families Central Abuse Hotline as set forth in subsection I (A)(1) above.

2. Report the abuse to the principal or designee.

3. Report the abuse to the Miami-Dade Schools Police Department.

4. **NO SCHOOL-SITE EMPLOYEE SHALL CONTACT THE CHILD'S PARENT OR GUARDIAN.** The representative from the Department of Children and Families or law enforcement will contact the parent/guardian.

B. Miami-Dade Schools Police Department will then contact the Office of Professional Standards (OPS) to inform OPS of the incident.

C. Should a citizen report a suspected case of child abuse to a School Board employee, it becomes the responsibility of the employee to complete the procedures set forth in subsection I (A) (1) above.

D. When a child discloses information to one school staff member regarding abuse, a determination should be made as to where the incident occurred, for appropriate law enforcement notification, **then no further questioning of the child by School Board employees shall take place.** The person who reports the alleged abuse shall remain at the school and an appropriate School Board employee shall remain with the child until either the Department of Children and Families or law enforcement arrives on campus. At that point questioning of the child may resume, but only at the direction of either the Department of Children and Families or law enforcement agency.

E. In the event a report of suspected child abuse is made after **regular school hours,** the School Board employee must complete the procedures set forth in subsection I (A) (1) above. In the event a school administrator is unavailable because the report occurred after hours, the School Board employee must be sure to inform the school administrator the following morning. If officers of the Miami-Dade Schools Police Department are unavailable and the incident occurred on School Board property, a request should be made to have an on-call Miami-Dade Schools Police Department investigator respond. If the incident occurred off campus the School Board employee shall call police emergency at 911. Miami-Dade Schools Police Department must be contacted, so that OPS can be notified. **Please note that the Central Abuse Hotline must always be called first.**

F. **All information pertaining to child abuse cases is confidential and no separate record shall be created and maintained by the school or school staff members during the investigation.** Additionally, the individual who reports the alleged abuse shall not be identified as the reporter except to those authorized representatives from

the Department of Children and Families or the appropriate state attorney or law enforcement agency.

G. Reporting of incidents to the Department of Children and Families will prompt an investigation by the Department of Children and Families and/or law enforcement agency. No additional investigation should be initiated by any school-site personnel. Depending on the nature of the allegations, a representative from one or both of those agencies has the authority to conduct an interview with a student on school premises during the school day and may come to school to do so. Upon arriving on campus the representative from the Department of Children and Families and/or law enforcement agency shall advise the principal or his/her designee of that agency's presence and purpose. Upon the presentation of proper identification such individuals must be given access to the student. School Board employees may be present during the interview only under the following conditions:

1. Representatives from the Department of Children and Families or law enforcement agency believe that the school staff member(s) could enhance the success of the interview, **and**

2. A school-site administrator has informed the alleged abused child that the child may have a staff member present and the child chooses to do so.

H. When a determination has been made to conduct an interview on school grounds, it should be conducted in an area that ensures confidentiality and avoids embarrassment to the student. If the representative from the Department of Children and Families or law enforcement agency determines that the student is to be removed from school, this shall be done as inconspicuously and expeditiously as possible. **The agency which removes the student from school shall be responsible for contacting that student's parent or guardian.**

## III. PENALTIES FOR FAILURE TO REPORT OR WILLFULLY MAKING A FALSE REPORT OF SUSPECTED CHILD ABUSE AND/OR DISCLOSING IDENTIFYING INFORMATION

A. A person who is required by Section 39.201 F.S. to report known or suspected child abuse or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, Section 775.083 or Section 775.084, F.S.

**Guideline #4: Child Abuse Reporting (continued)**

B. A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system or in the records of any child abuse or neglect case, except as provided in Sections 39.201 and 794.024, F.S. is guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, F.S.

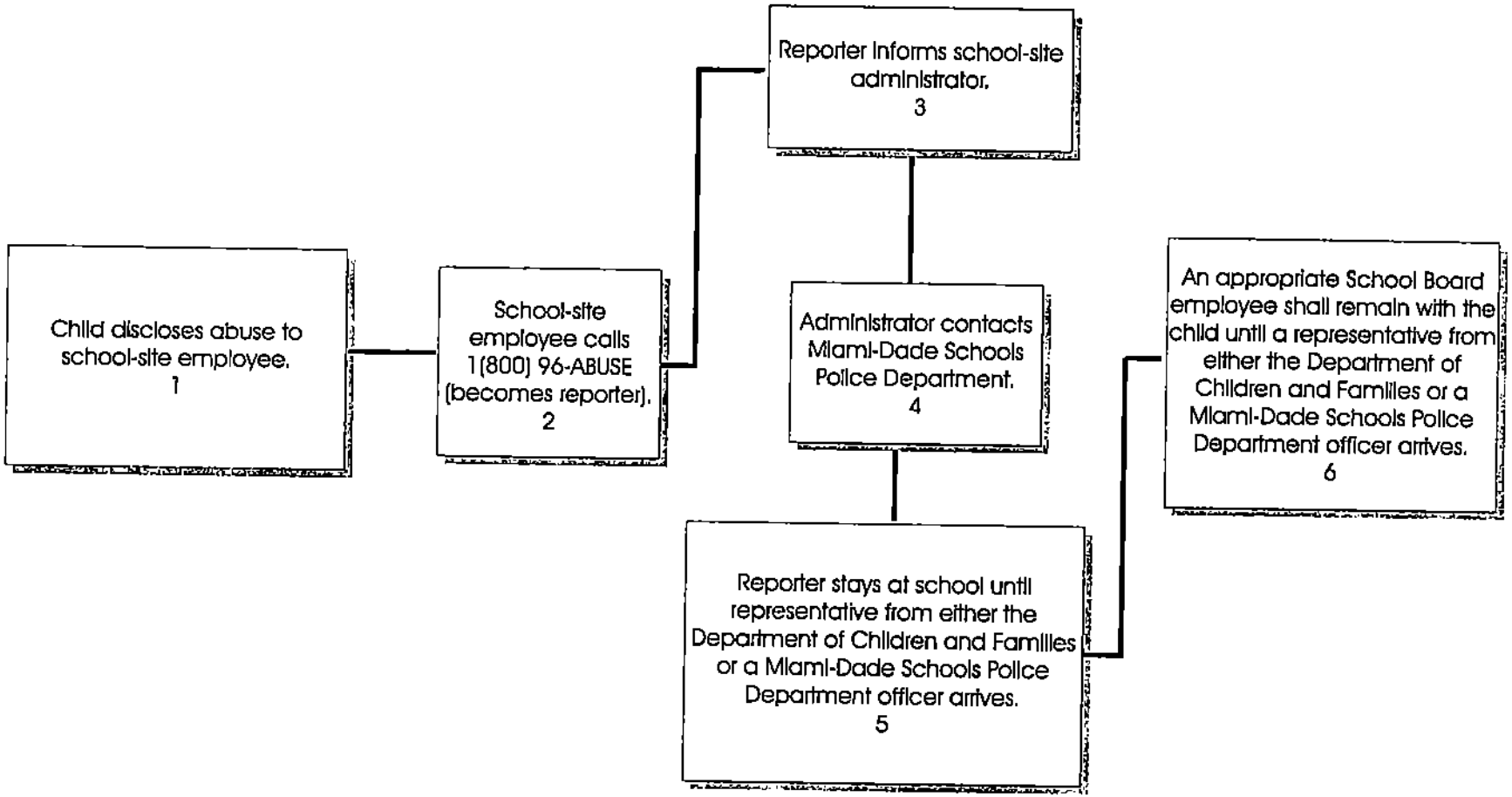
C. A person who knowingly and willfully makes a false report of child abuse or neglect, or who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, F.S. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

D. Section 794.024, F.S., Unlawful to disclose identifying information.-- (1) A public employee or officer who has access to the photograph, name, or address of a person who is alleged to be the victim of an offense described in Chapter 794, Chapter 800, Section 827.03, Section 827.04, or Section 827.071, F.S. may not willfully and knowingly disclose it to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense, or to organizations authorized to receive such information pursuant to Section 119.07(3)(h), F.S.

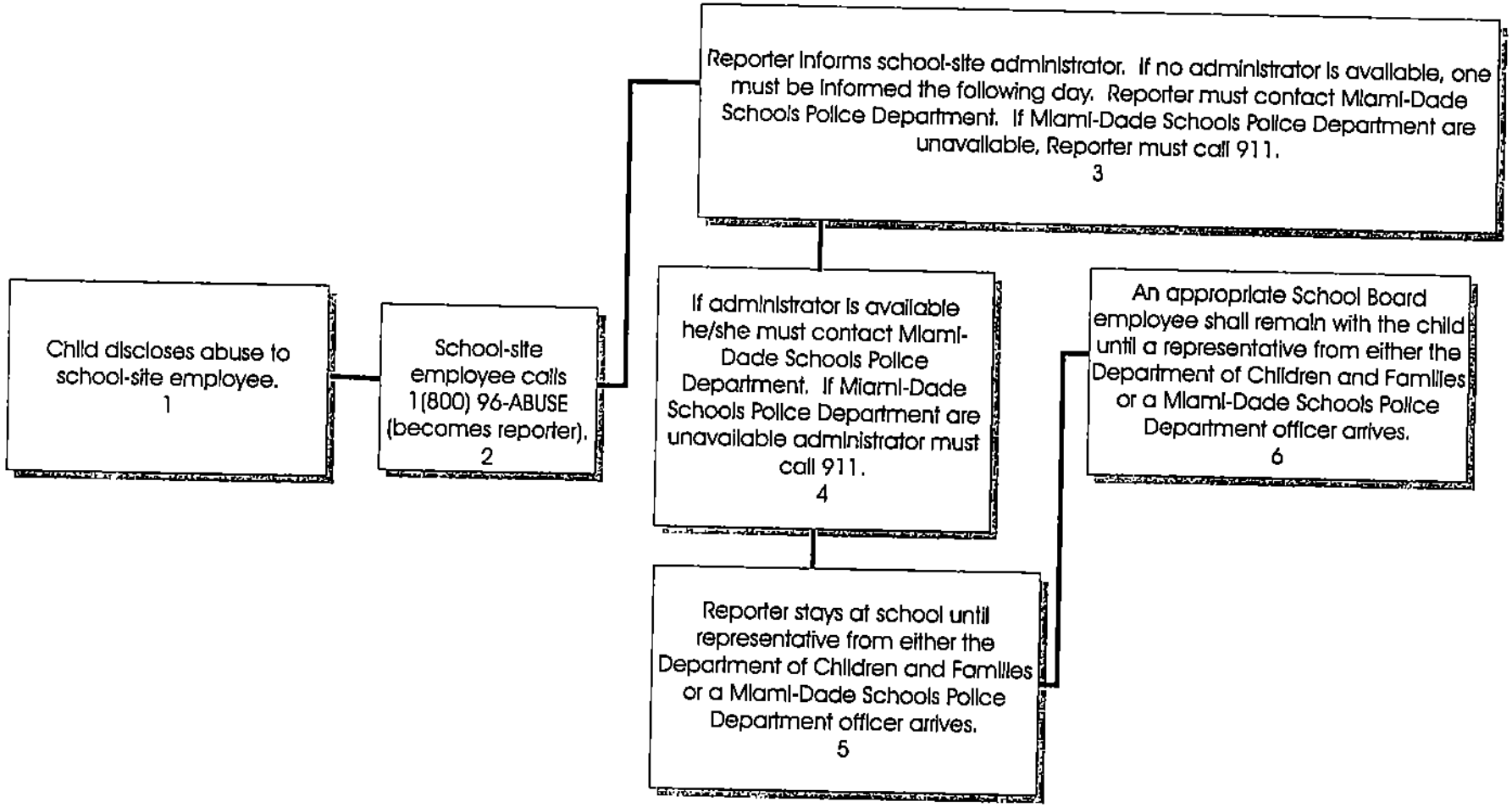
1. A violation of subsection II (A)(1) (see page 25) constitutes a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, F.S.

E. Section 794.03, F.S., Unlawful to publish or broadcast information identifying sexual offense victim.--No person shall print, publish, or broadcast, or cause or allow to be printed, published, or broadcast, in any instrument of mass communication the name, address, or other identifying fact or information of the victim of any sexual offense within Chapter 794. Such identifying information is confidential and exempt from the provisions of Section 119.07(1), F.S. An offense under this section shall constitute a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, F.S.

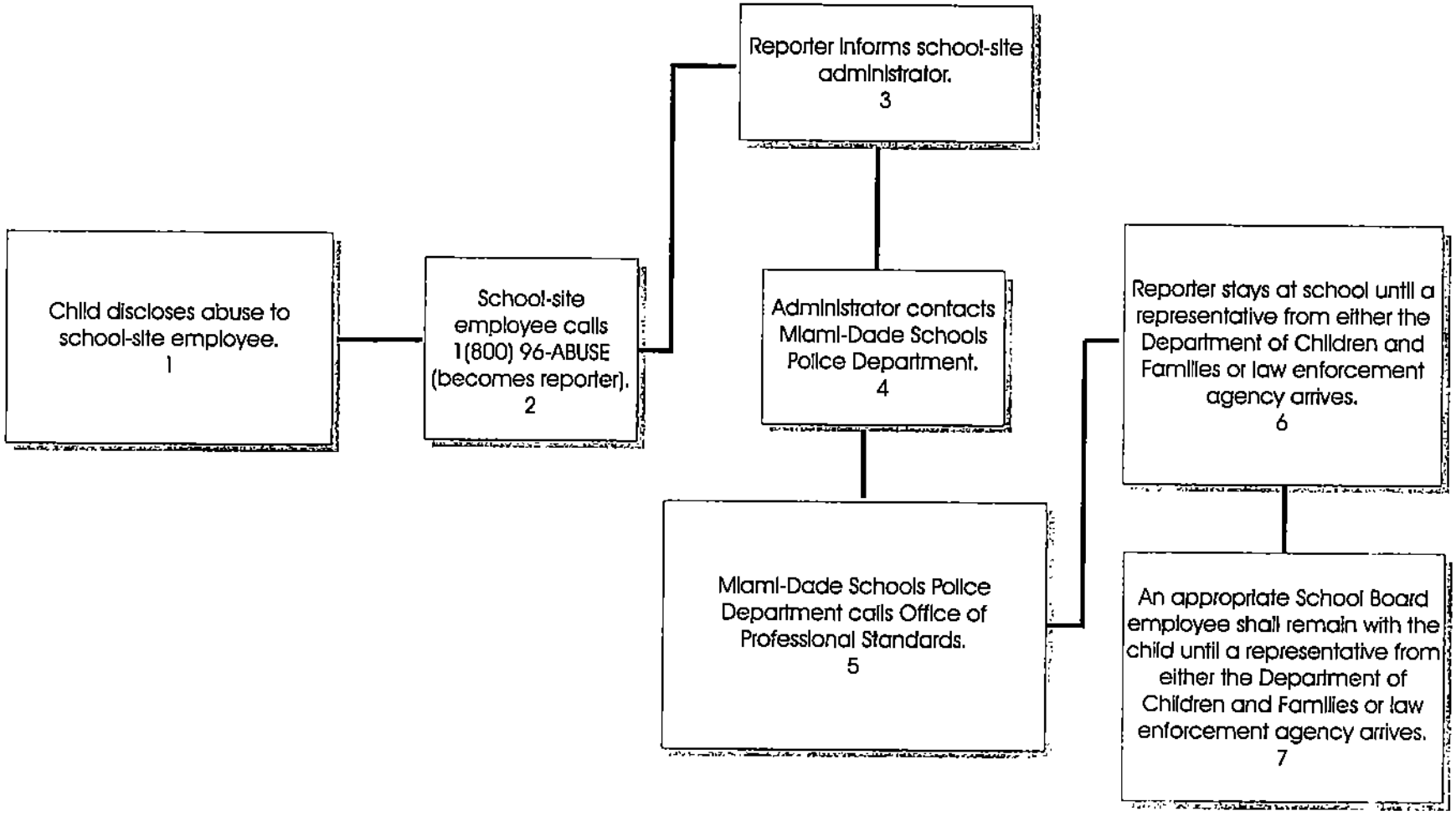
# Reporting Non-School-Related Child Abuse During School Hours



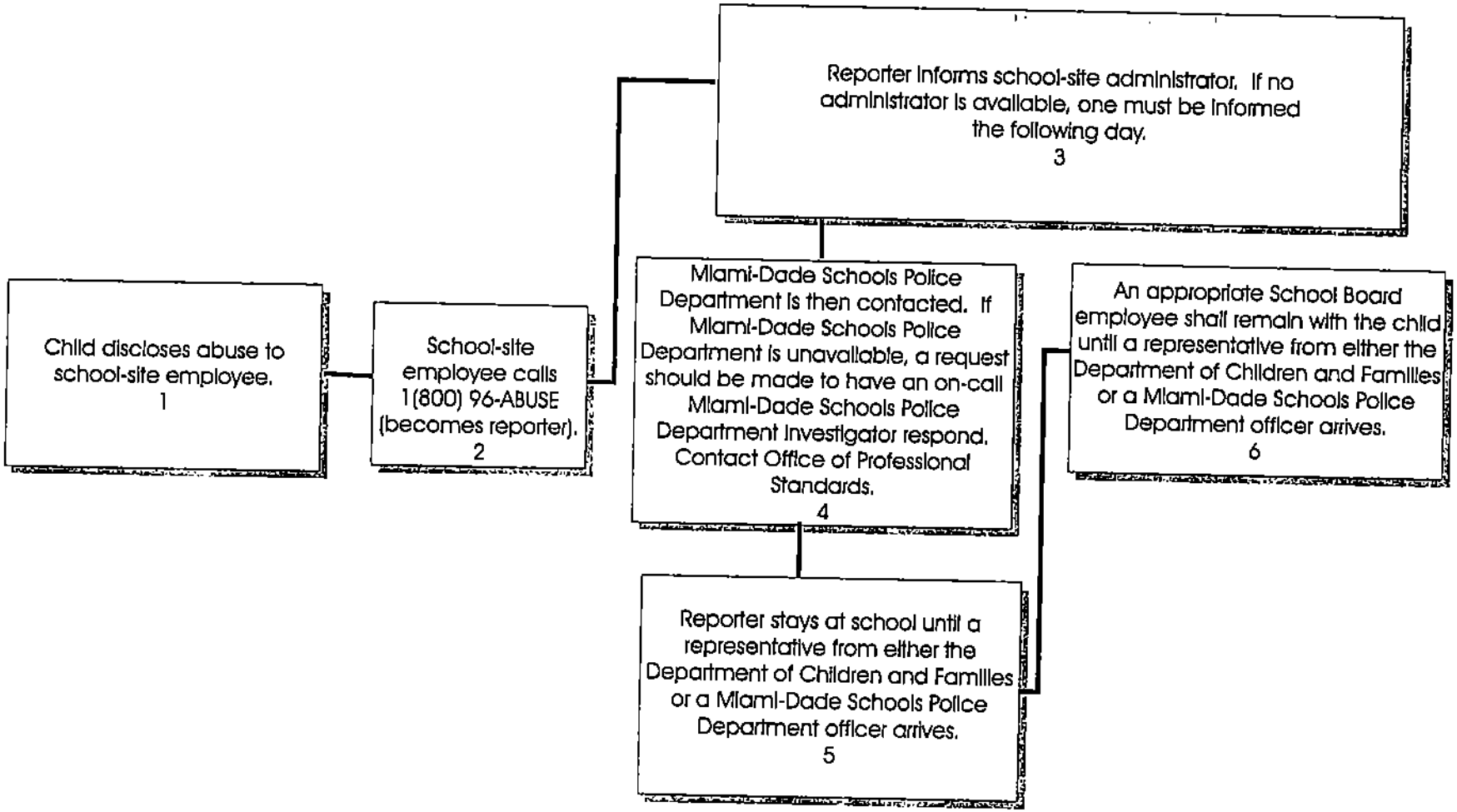
# Reporting Non-School-Related Child Abuse After School Hours



# Reporting School-Related Child Abuse Committed by a School Board Employee During School Hours



# Reporting School-Related Child Abuse Committed by a School Board Employee After School Hours



## GUIDELINE #5: ILLNESSES AND INJURIES TO STUDENTS

### CURRENT LAW AND/OR PRACTICE

All employees responsible for supervision of students and student activities are to take precautions to protect the life, health, and safety of every student in an effort to reduce or eliminate accidents, injuries, and illnesses.

In certain school activity assignments, students are to be furnished with and required to wear safety devices and protective clothing and shall employ safeguards necessary to reduce or eliminate accidents and injuries.[1] Refusal or failure by students to use or wear such devices, protective clothing, and/or equipment shall be grounds for appropriate disciplinary action, including prohibiting them from participating in classroom activity.

Each school principal must develop an internal uniform school health services plan within the framework of (1) Florida Statutes, (2) administrative directives, (3) Miami-Dade County School Board-adopted rules[2], and (4) the guidelines presented herein to effectively ensure prompt attention to the care of an injured or ill student. It is strongly urged that the uniform plan become a part of the general emergency plan and procedures required of each school.

### PROCEDURES

1. All student accidents, injuries, and illnesses resulting from contact with School Board-owned or School Board-leased property while the student is presumed to be under school authority shall be reported immediately to the principal.

2. In case of serious injury or illness, the principal should contact the parent(s)/guardian(s) immediately. When parent(s)/guardian(s) are not available, individuals identified on the **Student Data Card** (FM 2733E-Revised 1-98) should be contacted. In case neither the parent(s)/guardian(s) nor any other contact is available, the family physician should be contacted if the name is provided.

---

[1]Section 232.45, F.S.
[2]Miami-Dade County School Board Rules 6Gx13- 3E-1.07, 5D-1.04, 5D-1.05, 5D-1.06

**Guideline #5: Illnesses and Injuries to Students (continued)**

3. If none of the preceding can be contacted, or in case of extreme emergency (serious injury or illness), professional assistance (rescue squad and police) should be obtained immediately. Only as a last resort, should students who are experiencing an extreme emergency (serious injury or illness) be transported via private vehicle owned and operated by a Miami-Dade County School Public Schools employee. Under Florida's "No Fault" automobile laws, personal vehicle insurance will be called upon to pay its benefits before the Miami-Dade County School Board's insurance is invoked, if there is an automobile accident during transportation of the student in a private vehicle. All serious injuries to students that require emergency medical treatment must be reported to the Miami-Dade Schools Police Department, including those resulting from assault, battery, and child abuse.

4. When the police are notified in a case involving injury or serious illness of a student, the principal should request a copy of the report from the Miami-Dade Schools Police Department, Records Section.

5. When student accident insurance is involved, the prescribed report, together with a claim form, should be provided to the parent(s)/guardian(s) or student requesting one.

   a. The principal or designee should complete "school" information on the School Insurance screen in the Pupil Ad Hoc Response Information System (PARIS).

   b. The parent(s)/guardian(s) must take a copy of the completed form to the doctor in order to secure a medical statement.

   c. After the medical statement is obtained, it is attached to the completed form and submitted to the INSURER by the parent(s)/guardian(s) or student.

**NOTE:** Be sure to include the name of the school where insurance was purchased.

## INFORMATION ON THE POLICY AND COVERAGE

The school has no responsibility other than providing a claim form (**Notification Injury**) to any parent(s)/guardian(s) or student requesting one.

School personnel should not attempt to interpret coverage or claims. All questions regarding coverage or claims are to be referred to the insurer.

6. A complete, written accident report shall be made of all school accidents and injuries and filed with the Office of Risk and Benefits Management.

## GUIDELINE #6: STUDENT DEMONSTRATIONS

### CURRENT LAW AND/OR PRACTICE

The right of students to demonstrate is protected by the First and Fourteenth Amendments to the United States Constitution. The courts have said, however, that demonstrations will sometimes conflict with the State's interest in preventing violence or destruction of property or with governmental operations, and, therefore, reasonable restrictions relating to time, place, duration, and manner may be imposed. Demonstrators lose their constitutional protection if they engage in violence.

One of the basic purposes of education is the preparation of students for responsible self-expression in a democratic society. Full opportunity should be provided for students to inquire about, to question, and to exchange ideas. They should be encouraged to participate in discussions in which many points of view, including those that are controversial, are freely expressed.

### PROCEDURES

1. Students should be informed of school committees dealing with human relations, student discipline, school activities, and important issues, so that students may be provided an opportunity to present their views and opinions.

2. The school principal should designate a member of the school staff to be contacted by the students in order to plan for, seek approval of, and conduct demonstrations. Students will also be informed that permission for demonstrations will be denied when these demonstrations materially and substantially interfere with the requirements of appropriate discipline in the operation of the school.[1]

---

[1] Tinker v. Des Moines Independent Community School Dist., 89 S. Ct. 733 (1969)

**Guideline #6: Student Demonstrations (continued)**

3. The principal shall develop a plan for dealing with spontaneous demonstrations. This plan should include the following:

   a. A bell signal or public address announcement which will inform teachers and staff members that a demonstration is in progress and that:

      (1) staff members not in classes should report to designated locations

      (2) teachers in classes should lock all doors and undertake any other necessary precautionary action

   b. Personnel should be assigned to:

      (1) staff the rumor control line, and telephones

      (2) contact volunteer parents who may be able to assist in diffusing the situation

      (3) contact appropriate region administrators and police personnel

      (4) meet with the press

      (5) inform faculty members of individual responsibilities for this matter

      (6) inform teachers of procedures for keeping students in classes if classes are continued, and lock all doors

   c. At the site of the actual demonstration, the following action should be considered:

      (1) have all available personnel identify as many of the participants as possible. When the tone of the demonstration permits, inform students in a non-threatening manner of the possible consequences of their behavior

      (2) have available personnel mingle, where possible, with participants to communicate with them to determine the cause of the demonstration, the strength of feelings regarding it

      (3) identify the leaders and attempt to meet with them in a smaller group setting

**Guideline #6: Student Demonstrations (continued)**

4. Some demonstrations take on an ethnic identification. Frequently, demands are made that the entire ethnic group represented in the building be allowed to meet with administrators. Approval of this request is not advisable. Meetings of this type tend to be nonproductive and tend to generate hostility from ethnic groups not represented.

   The principal may request, through the appropriate region office, the services of the intergroup relations team to provide assistance in working with the various student groups involved, the faculty, and the parents.

   At the conclusion of the demonstration, meetings should be held with:

   a. faculty--to inform them of what has happened, what steps are being taken, and what their responsibilities are for future action

   b. parents/guardians--to provide them with facts regarding the demonstration and to respond to any inquiries or concerns

5. Depending upon the nature of the demonstration, the principal may consider providing a full account of the incident to all students and faculty for the purpose of presenting facts, thereby reducing the possibility of rumors. This procedure should be weighed against the harm it might do in developing support for the demonstrators from students who had not previously been involved.

## GUIDELINE #7: SEARCH AND SEIZURE

### CURRENT LAW AND/OR PRACTICE

Students have the right of privacy of person, as well as freedom from unreasonable search and seizure of property guaranteed by the Fourth Amendment to the Constitution of the United States.[1] That individual right, however, is balanced against the school's responsibility for protecting the health, safety, and welfare of all its students.[2] Search of a student may be conducted by a school official, including Miami-Dade Schools Police Department officer,[3] upon a reasonable suspicion that the student has contraband[4] or evidence that he/she has violated the law or the rules of the school.[5]

The school district is responsible for creating a climate in the schools that ensures the safety and welfare of all. Equipment such as lockers belongs to the school district, but students may be allowed to use this equipment as a convenience. It is the responsibility of the school to insist that the lockers be properly cared for and not used for the storage of illegal items. State Statute[6] and case law[7] permit the use of metal detectors and/or trained animals in the course of an authorized search.

However, the right to search a student's person or belongings (such as a purse or back pack) is more limited, and is discussed below.

**Definition of Reasonable Suspicion and Search**

The United States Supreme Court has provided definitions of "reasonable suspicion" and the scope of a search, which should guide school officials in executing the procedures. The Court ruled that a search of a student is ordinarily justified at its inception:

> ...when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.[8]

---

[1]New Jersey v. T.L.O., 105 S.Ct. 733 (1985)
[2]Section 232.256(1), F.S.
[3]State v. D.S., 685 So. 2d 41 (Fla. 3d Dist. D.C.A. 1996)
[4]Nelson v. State, 319 So. 2d 154 (Fla. 2d D.C.A. 1975)
[5]New Jersey v. T.L.O., 105 S. Ct. 733 (1985)
[6]Section 232.256(4), F.S.
[7]State v. J.A., 679 So.2d 316 (Fla. 3d Dist. D.C.A. 1996)
[8]New Jersey v. T.L.O., 105 S. Ct. 733 (1985)

**Guideline #7: Search and Seizure (continued)**

To avoid violation of a student's constitutional rights under state and federal law, a search of a student's person or personal property (such as a purse or back pack) must meet the following criteria:

1. **Rational Basis.** Reasonable suspicion must be rational and articulable. "Intuition" or "gut feelings" are not enough. Neither is the observation of "sneaky" or "secretive" behavior sufficient. The school official's prior experience with the particular student being searched (or lack of such experience) and the student's prior record of misconduct (or lack of any such record) should be taken into consideration. If suspicion is based on information from another student, the credibility of the informant and any obvious motives for misrepresentation by the informant must be considered.

2. **Group Searches Prohibited Except in Accordance with Guideline #8, Use of Metal Detectors.** There must be a separate rational basis for reasonable suspicion as to each student searched. For example, an entire class cannot be searched just because there is a great likelihood that **someone** in the class violated a law or rule. Neither can everyone in a hallway or restroom be searched because it is suspected that **someone** among them was smoking or using drugs. This prohibition does not apply to administrative searches with metal detectors conducted pursuant to Guideline #8.

3. **Search Must Be Specific.** The search must be of a type and limited to the places where evidence of the suspected violation might reasonably be found.

## PROCEDURES

### Search of Lockers or Desks

1. Prior to the search of school property (locker, desk) assigned to the student and prior to removal of items in the student's possession, school officials should determine that:

   a. there is reasonable suspicion that the student possesses property that constitutes a crime or rule violation or that the student possesses evidence of a crime or violation of law

   b. there is reasonable suspicion that the student is using his/her locker or property and/or person in such a way as to endanger his/her own health or safety, or the health, safety, and rights of others

**Guideline #7: Search and Seizure (continued)**

c. there is reasonable suspicion that there are weapons and/or dangerous materials, such as explosives, on the school premises

2. If the preceding determinations are made, the student should be contacted and should accompany the principal, or designee, along with an adult witness, to the area to be searched. The student should be given every opportunity to open the locker or desk, but, if the student refuses, the principalor designee has the authority to open it without the student's permission.

**Notice to Students**

1. Signs should be posted in each school advising students that, upon reasonable suspicion, lockers or other areas are subject to search for prohibited or illegally possessed substances or objects.

2. At the time students are assigned lockers, they should be informed, in writing, of the policies governing the use of the locker. Such policies should be clear and reasonable.

3. The principal should keep accurate records of the assignment of the lockers to the students. Generally, the students should be informed prior to a general search by school officials. In cases of defined emergencies and the lack of availability of the student to whom the locker is assigned, the principal or designee has the authority to open the locker without the physical presence of the student. However, in case of search of an individual locker, the student should, whenever possible, be given the opportunity to be present. A witness should be present, also.

**Search of Individuals**

1. When there is reasonable suspicion that a student has property on his/her person that constitutes a crime or rule violation, or that the student possesses evidence of a crime or violation of law, he/she should be removed to a private office and asked to remove articles from his/her person voluntarily in the presence of a witness.

2. Should the student refuse such a search, depending upon the degree of suspicion and severity of the alleged violation of law, an appropriate law enforcement officer should be contacted and the student kept under surveillance until the law enforcement officer arrives and a proper search is conducted.

**Guideline #7: Search and Seizure (continued)**

## Strip Searches

Functionally defined, a strip search comprises the student being asked to remove his/her clothes to determine whether the student is in possession of weapons, drugs, or other contraband.

**Under no circumstances shall strip searches be conducted by Miami-Dade County School Board personnel.**

## GUIDELINE #8: USE OF METAL DETECTORS

| CURRENT LAW AND/OR PRACTICE |
| --- |
| The reasonable use of metal detectors as a tool for school officials to deter weapons on school grounds is not a violation of Fourth Amendment rights or Florida law. Legitimate privacy interests of students must be balanced against policies and procedures instituted for the compelling need to furnish a safe learning environment, free of weapons.[1] |

Miami-Dade County Public Schools is responsible for establishing a climate in the schools which encourages teaching and learning. The possession, use, or sale of weapons on school grounds represents an unwarranted disruption to an orderly learning environment and interferes with the rights of all those in school who are desirous of a safe educational setting.

The school district has recognized the need to respect the rights of individuals while protecting the health, safety, and welfare of all students and school employees.

**Guideline #7: Search and Seizure** details the general procedures for use at schools. Guideline #8 pertains to the more specific procedures that are to be used when metal detectors are employed. Individualized suspicion is not required for an administrative search with metal detectors.

### Posting Signs

Signs which advise that persons on the premises are subject to search for weapons by metal detector shall be posted in prominent locations at each secondary school and adult vocational site. The signs will be printed in English, Spanish, and Haitian Creole.

### General Search Procedures

**Public address systems, including walkie-talkies, are not to be used to announce the arrival or presence of the search team.** Random, unannounced searches will be conducted within school buildings or on the grounds on a regular basis. Classrooms or hallways will be selected on a random basis. If every person in the designated hallway or classroom is not searched, the selected method will be randomized, e.g., every third person. Miami-Dade County Public Schools employees with proper identification will not be subject to search with the hand-held metal detectors. Visitors who

[1] State v. J.A., 679 So 2d 316 (Fla. 3d D.C.A. 1996)

choose to remain on the premises at the time the search is conducted will be subject to search along with the students. Persons will be searched only by those of the same gender. If walk-through metal detectors are used at selected after-school activities or athletic events, all persons, including Miami-Dade County Public Schools employees, will be required to pass through the device if they wish to enter the designated area.

**No persons shall be selected to be searched based solely upon their gender, race, color, religion, ethnic or national origin, political beliefs, martial status, age, sexual orientation, social or family background, linguistic preference, disability, manner of dress, or association with any particular group. Schools selected for a random search may not request a postponement unless there are extenuating circumstances, e.g., testing. All changes must be approved by the region.**

**Types of Scanning Equipment**

Hand-held units will be the primary type of metal detector used. Walk-through units may also be used.

**Search Team**

- Personnel specifically assigned to a metal detector search team will at all times be respectful of and sensitive to the right of privacy and other concerns of the student or other person who is being searched.

- A principal or assistant principal must accompany the search team.

- The searching of any person shall be conducted only by a member of the search team who is of the same gender.

- Members of the search team will visually check and/or remove items from back packs, if needed. The search team will only confiscate items deemed as weapons or contraband.

- Miami-Dade Schools Police Department participation in random searches will be limited to handling arrests or other criminal situations that might occur during the course of a metal detection search operation.

- The principal or assistant principal may elect to confiscate other items according to guidelines outlined in the student and faculty handbook.

**Guideline #8: Use of Metal Detectors (continued)**

**Search Operation**

A pre-established random plan to select persons who are to be searched shall be used. All persons selected shall be required to bring all personal effects in their possession at the time they are selected, e.g., coat, purse, back pack or other similar articles.

Persons selected to be searched shall be advised upon entering the metal detection search location of the purpose of the operation and method in which the search will be conducted and the fact that selections were made in a random pattern.

A student or visitor to be searched shall be directed to remove **all** objects from his/her pockets. The student or visitor is to give personal belongings, as described above, to a search team member. These articles shall then be visually screened as required. The student or visitor shall then be scanned by a hand-held metal detector (wand). The person operating the device must use an identical scanning technique/pattern on each person. Efforts will be made to ensure that the wand not touch the body of the person being searched. If the metal detector activates, the person shall be asked whether he/she has anything made of metal in the area scanned. If the suspected article is removable, the person will be asked to remove it and will then be re-scanned. If an activation recurs and the article cannot be removed, the operator shall visually confirm the person's explanation, e.g., jewelry, belt buckle, rivets on pants, or as a second alternative, by lightly touching (**not grabbing**) the area which is causing the repeated activation.

The purpose of the metal detection program is to deter the bringing to school of weapons such as guns, knives or any other item which might cause harm or injury. Therefore, under no circumstances are metal detectors to be used solely for the purpose of checking students who might be suspected of having violated other school rules.

Any person found to be in possession of a gun or other dangerous weapon and/or illegal drugs as prohibited in the Florida Statutes **shall** be arrested. If during the course of a search contraband is observed that is a violation of published District or school policy and/or regulations, such items shall be confiscated and disciplinary action initiated.

Students who refuse to submit to a wand search consistent with these guidelines may be subjected to disciplinary proceedings for defiance of the valid authority of school personnel. Other persons refusing a search consistent with these guidelines shall be escorted off campus. Refusal to be searched may constitute reasonable suspicion. (Refer to Guideline #7)

**Guideline #8: Use of Metal Detectors (continued)**

At the conclusion of the search team activity, the principal or designee will sign the invoice noting the start and stop time of the search. Once signed, a copy will be provided which should be:

1. Faxed to the Miami-Dade Schools Police Department
2. Kept on file

The Miami-Dade Schools Police Department will reconcile all faxed daily invoices with the monthly collective invoice to ensure payment.

**Parental, Staff, and Student Involvement**

Meetings will be held at the schools to provide information on the metal detector procedures. At these meetings, parents, students, and school staff will be informed about the way the searches will be conducted and will have an opportunity to ask questions and provide input.

## GUIDELINE #9: CORPORAL PUNISHMENT

**CURRENT LAW AND/OR PRACTICE**

**CORPORAL PUNISHMENT IS PROHIBITED IN MIAMI-DADE COUNTY PUBLIC SCHOOLS. THIS PROHIBITION EXTENDS TO PARENTS OR GUARDIANS ON SCHOOL GROUNDS.**

Corporal punishment is physical force or physical contact applied to the body as punishment.

Section 228.041(27), F.S., defines corporal punishment as:

> ...the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rule. However, the term "corporal punishment" does not include the use of such reasonable force by a teacher or principal as may be necessary for self-protection or to protect other students from disruptive students.

The use of physical restraint techniques **in accordance with** the Miami-Dade County School Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students and Article VIII of the Contract Between Miami-Dade County Public Schools and the United Teachers of Dade is **not** corporal punishment.

## GUIDELINE #10: ALTERNATIVES TO SUSPENSION

### CURRENT LAW AND/OR PRACTICE

Subject to Florida Statutes and Florida Board of Education and Miami-Dade County School Board Rules, principals may suspend a student from school without a formal hearing for up to ten consecutive days for persistent disobedience and/or gross misconduct.

The United States Department of Education has indicated that alternatives to suspension for students with disabilities would not constitute a removal as long as "the student is afforded the opportunity to continue to appropriately progress in the general curriculum, continue to receive the services specified on his or her Individual Educational Plan (IEP) and continue to participate with non-disabled children to the extent they would have in their current placement." (64 FED. REGISTER No. 48, p. 12619).

Principals may elect to use Miami-Dade County School Board-approved alternatives to suspension when appropriate.

### A. STUDENT WORK ASSIGNMENT

As an alternative to suspension from school, the principal may elect to use a supervised work assignment, which is a Miami-Dade County School Board-approved alternative. The supervision may be under the direction of any member of the school staff, as designated by the principal. This alternative to suspension is not to exceed ten hours of work or, where appropriate, tutorial assistance should be provided. The student and parent(s)/guardian(s) may request this alternative; however, the final decision rests with the principal. When an alternative to suspension is utilized, the student shall be afforded the same due process procedures that are applicable to suspension.

The following types of supervised work assignments are examples which may be employed:

1. removing writing from walls
2. picking up paper from floors and school grounds
3. removing trays from cafeteria tables
4. sweeping floors
5. dusting erasers
6. washing chalkboards
7. maintaining school grounds (not involving the operation of machinery)

In some of the tasks identified for supervised work assignments, special equipment may have to be used, e.g., dust masks. Caution must be exercised to ensure that the School Board is not exposed to liability suits if a student is injured.

## B. ASSIGNMENT TO SCHOOL CENTER FOR SPECIAL INSTRUCTION (SCSI)

As an alternative to suspension from school, the principal may elect to assign a student to the **School Center for Special Instruction (SCSI).** The center shall be designed to provide tutorial and guidance services. Parent(s)/guardian(s) may request this action as an alternative to suspension, but the final decision rests with the principal.

When misconduct in a class results in an assignment to SCSI, the student should be removed only from the class in which the misconduct occurred. Continued misconduct can result in removal from all classes if deemed appropriate by the principal.

## C. ASSIGNMENT TO AN ALTERNATIVE INTERVENTION COUNSELING CENTER

As an alternative to suspension from school, the principal may elect to assign a student to the **Alternative Intervention Counseling Center.** The **Alternative Intervention Counseling Center Program** is an alternative to suspension which provides individual/group counseling services for students with substance-related and/or other dysfunctional behaviors. Parent(s)/guardian(s) may request this action as an alternative to suspension, but the final decision rests with the principal.

## D. OTHER ALTERNATIVES

Other alternatives, including, but not limited to, after-school detention, Saturday school, or other programs available at the school, may be utilized.

## PROCEDURES

The following due process procedures shall be implemented when an alternative to suspension is utilized by the principal:

### 1. Investigation and Informal Hearing

a. The accused student should be presented to the principal or designee by the person(s) having knowledge of the alleged misbehavior or infraction.

b. It shall be the duty of the principal or designee to conduct an informal hearing to determine the facts as presented by the accusing person(s), the accused student, and any witnesses that may have knowledge of the incident(s).

## 2. Notifications

a. The student will be informed of the alternative to suspension and to whom he/she should report.

b. The appropriate notice shall be sent to the parent(s)/guardian(s):

(1) **Notice of Work Assignment in Lieu of Suspension** (See Appendix, page A-13)
(2) **Notice of Indoor Suspension** (See Appendix, page A-15)
(3) **Agreement for Alternative Intervention Center Placement** (See Appendix, page A-17)

c. Reasonable effort should be made to communicate with parents in their primary language or in the language in which they feel comfortable. The mode of transmission should also be adjusted, where necessary, to promote comprehension, acceptance, and trust. (School Board Rule 6Gx13- 1B-1.011, Parental Involvement - A Home-School Partnership)

d. Before the student begins his/her alternative assignment, the school staff must verify that the parent(s)/guardian(s) are in agreement with the assignment. If the parent(s)/ guardian(s) are not in agreement, a hearing may be requested.

e. A copy of the appropriate notice sent to the parent(s)/guardian(s) shall be filed in the student's Cumulative Record Folder.

## GUIDELINE #11: SUSPENSIONS

**CURRENT LAW AND/OR PRACTICE**

Subject to Florida Statutes, Florida Board of Education Rules, and Miami-Dade County School Board Rules, principals may suspend a student from school for up to ten consecutive days for persistent disobedience and/or gross misconduct. During the suspension period the student is remanded to the custody of his/her parent(s)/guardian(s) with specific homework assignments for the student to complete. Principals take this action when they have exhausted informal disciplinary strategies, or when they have at least considered those alternatives and rejected them as inappropriate in a given situation.

**For discipline of students with disabilities see Guideline #19.**

**A. Outdoor suspension is appropriate under any of the following conditions:**

1. The student's presence in school presents a physical danger to the student or others.

2. A "cooling off" period is needed in order to relieve tensions and pressure.

3. The student and/or parent(s)/guardian(s) refuse alternatives to suspension.

**B. Make-Up Work**

During the suspension period the student is remanded to the custody of his/her parent(s)/guardian(s) with specific homework assignments for the student to complete. The student and the teacher must be in clear, mutual understanding at the time the work is given to the student as to the time frame in which the student is to make up the work.

Failure to make up all written assignments missed during the approved time frame of suspension will result in the student's being given the academic grade of "F" for those written assignments. A suspended student completing all written assignments missed during the period of suspension will not be subject to the withholding of passing final grades unless the student has, in addition to suspension, attained five or more unexcused absences in any semester course or ten or more unexcused absences in an annual course. In addition to making up all written assignments, the student will be held responsible for the material presented during his/her absence.

Under no circumstances are teachers required to make special provisions to comply with this procedure. The responsibility of securing written assignments missed during the suspension period will be on the student.

Upon completion of the make-up work, the student should submit the work to the teacher. The teacher must grade and record the make-up work as it is received. Improved effort and conduct by the student is expected and any lack of improvement will be handled by the teacher in the appropriate manner, e.g., parent conference, lowered effort and/or conduct grades, or referral to administration.

## PROCEDURES FOR HEARINGS

The following procedures are intended to apply to all suspension hearings held pursuant to Miami-Dade County School Board Rule **6Gx13- 5A-1.062, Suspension, Board-Approved Alternatives, Expulsion, and Referral to the Department of Children and Families**, at the school level, both to assist the school personnel in conducting the hearings and to protect the rights of the students involved. In many cases, this same hearing will determine whether the principal recommends expulsion or other disciplinary action.

### 1. Purpose of Suspension Hearings

To give the students oral and written notice of the charges against them and, if the charges are denied, to give the opportunity to explain the evidence. The students and/or parent(s)/guardian(s) should be given the opportunity to present the student's side of the occurrence. The principal should evaluate reasons for believing that the child should not be suspended or that the penalty is excessive and determine accordingly whether to affirm or withdraw the suspension action already taken, and whether to proceed with any recommendation for expulsion or other disciplinary action, if appropriate.

### 2. Pre-Hearing Procedure

Initial investigation. When the accused student is first brought to the principal or designee or when the occurrence is first brought to the attention of the principal or designee or as soon as possible thereafter, the principal or designee should receive written statements from all witnesses and the accused student (written statements should be in ink). If any of the witnesses or the accused student refuses or is unable to give a written statement, their oral statements should be recorded by the principal or designee and signed and dated.

If there are many witnesses to a particular breach of conduct, all witnesses need not be interviewed at the initial investigation. The principal or designee need only interview those witnesses whose statements, in the principal or designee's judgment, fairly present the facts and circumstances of the incident being investigated. If the accused student requests that particular witnesses be interviewed, this should be done, if the witnesses agree to appear.

The principal shall determine if there is sufficient reason for suspension.

## 3. Notifications

a. The principal shall prepare, in triplicate, Form FM-1625E Rev. **Notice of Suspension.** (See Appendix, page A-19.) The charge(s) should be specific, indicating the misconduct for which the suspension is being issued and the **Codes of Student Conduct** violation. Each suspension shall be reported in writing, within 24 hours, to the student's parent(s)/guardian(s) and the region superintendent.

b. Every effort shall be made to contact the parent(s)/guardian(s) immediately to inform them that the student is being suspended and the reasons for the suspension. Reasonable effort should be made to communicate with parents in their primary language or in the language in which they feel comfortable. The mode of transmission should also be adjusted, where necessary, to promote comprehension, acceptance, and trust. (School Board Rule 6Gx13- 1B-1.011). The parent(s)/guardian(s) shall be informed that the **Notice of Suspension** has been sent and that they have a right to a hearing. The Summary of Procedural Safeguards for Students with Disabilities must be provided along with the Notice of Suspension for all exceptional education students. (See Appendix, page A-21 - A-24) If the parent(s)/guardian(s) cannot be contacted, the student IS NOT to be sent home during the school day.

c. The principal shall notify the appropriate region office and Miami-Dade Schools Police Department at the time of the incident, if this action is warranted.

d. One copy of the **Notice of Suspension** form shall be filed in the student's Cumulative Record Folder.

## 4. Hearing Procedure

a. Statements of student witnesses should not be released, but if the accused student or parent(s)/guardian(s) request a summary of the witnesses' testimony, this should be provided without names and other personally identifiable information, e.g., address, telephone number, parent's name, I.D. number, Social Security number. Statements of staff witnesses should be released to the accused or parent(s)/guardian(s) upon request. All staff members shall be informed that when giving a written statement, the document is a public record and subject to release.

b. If the principal determines that providing summaries and/or statements by mail may result in irresponsible dissemination of such information or other action endangering witnesses, he/she may require the parent(s)/guardian(s) to come to the school to obtain the information and may require the parent(s)/guardian(s) to sign a receipt for same. At that time, the principal may inform the parent(s)/guardian(s) that access to this information is not only a right but a responsibility, and that injury to, or harassment of, witnesses will not be tolerated.

c. If the parent(s)/guardian(s) or accused student have requested that identified witnesses be available at the hearing, the school should notify those witnesses and ask that they be available to attend the hearing. If the accused student or parent(s)/guardian(s) requests the presence of a witness and the witness refuses to attend, the hearing should proceed without the witness. The school has no power to subpoena witnesses.

d. The hearing may be conducted by the principal or by another staff member designated by the principal. It is preferable, although not required, that the person who conducts the hearing be someone other than the person who handled the initial investigation. The principal or designee should be neutral and objective.

e. A student witness should be excused from attendance at the hearing if the student witness' parent(s)/guardian(s) forbid this attendance or if the student witness displays such anxiety as to make his/her attendance undesirable from the standpoint of his/her physical or mental well-being.

Note: If a student witness is excused from attending the hearing, the principal or designee may, nevertheless, consider the summary of that student's, previously-obtained testimony, in establishing the case against the accused student, provided that the summary of the witnesses' testimony has been given to the accused student and/or to the parent (s)/guardian(s) of the accused student.

**Guideline #11: Suspensions (continued)**

f. In order to minimize inconvenience to witnesses and/or reduce the number of missed classes, witnesses may be called to testify at the hearing as needed.

g. The hearing may be conducted without witnesses if the accused student or his or her parent (s)/guardian(s) do not ask that any be called. The principal or designee may make his/her decisions based upon any relevant facts brought to his/her attention, including reports and other information acquired prior to the hearing.

h. The hearing should be conducted informally, and witnesses should ordinarily be questioned in the presence of the accused student and his/her parent(s)/guardian(s). If a witness is reluctant or fearful, the principal or designee may interview him/her privately.

i. If the parent(s)/guardian(s) or the accused student become so abusive or unruly during the hearing as to impair the hearing procedure, the principal or designee may exclude that person from the hearing.

j. There is no requirement that a hearing be recorded or reported verbatim, but the principal or designee may elect to do so, or have a secretary present to assist in making notes of the proceedings.

k. Students are not entitled to the procedural rights that the law guarantees to defendants in criminal cases. Thus, at suspension hearings, students are not:

(1) entitled to the presence of an attorney

(2) allowed to confront or cross-examine witnesses

(3) allowed to record mechanically, or have a reporter record, the proceedings unless the principal or designee has elected to record or report the hearing verbatim

If the principal or designee permits an attorney to be present, it should be made clear at the outset that the attorney is present by invitation and that ground rules laid out by the principal or designee must be followed.

## 5. Region Level

If the parent(s)/guardian(s) feel that their child has not been afforded a fair hearing at the school, they may request a review of the case by the region superintendent or designee. This appeal may consist of a review of the previous hearing, with a ruling on the facts and the validity of the suspension, or the hearing may be reconvened by the region superintendent or designee for additional testimony that may be deemed necessary in making a final decision.

## GUIDELINE #12: COMMISSION OF A FELONIOUS ACT OR A DELINQUENT ACT WHICH WOULD BE A FELONY IF COMMITTED BY AN ADULT

### CURRENT LAW AND/OR PRACTICE

Sections 985.207(1)(b), 985.04(7) and 230.335(1)(b), F.S., set forth the circumstances when the school system must be notified of a student's involvement in the juvenile justice and criminal justice system. Section 985.207(1)(b), F.S. mandates that when a juvenile is arrested for a delinquent act that would be a felony if committed by an adult or a violation of law involving a crime of violence, the arresting authority shall immediately notify the Superintendent of Schools with educational jurisdiction of the child. The Superintendent of Schools must release this information within forty-eight (48) hours of receipt to appropriate school personnel, including the principal of the student's school. The principal must immediately notify the child's immediate classroom teachers.

Section 985.04(7), F.S., mandates that when a student of any age is formally charged by a state attorney with a felony or delinquent act that would be a felony if committed by an adult, the state attorney shall notify the Superintendent of Schools that the student has been charged with such felony or delinquent act. The information obtained by the Superintendent of Schools must be released, within forty-eight (48) hours after receipt, to the appropriate school personnel, including the principal of the student's school. The principal must immediately notify the student's immediate classroom teachers. Section 232.26, F.S., and Chapter 6A-1.0956, Florida Board of Education Rules, set forth the procedures which must be followed in order to begin disciplinary actions against a student charged as set forth in Section 985.04(7), F.S.

Section 230.335(1)(b), F.S., requires that the court provide to the Superintendent of Schools, the name, address and specific delinquent act for any student found to have committed a delinquent act, or who has an adjudication of delinquent act withheld which, if committed by an adult, would be a felony, or the name and address of any student found guilty of a felony.

### PROCEDURES

A. Arresting Agency: Notification of Arrest

1. Subsequent to arresting a juvenile for a delinquent act that would be a felony if committed by an adult or a violation of law involving a crime of violence, the arresting authority will immediately notify the Superintendent of Schools or the Superintendent's designee.

2. Within forty-eight (48) hours of receipt of this information, the Superintendent or his or her designee will notify the appropriate school personnel, including the principal at the student's school. The principal must immediately forward this information to the student's immediate classroom teacher by whatever means necessary to ensure the confidentiality of the information.

3. Information that is given to this school by the arresting agency, pursuant to Section 985.207(1)(b), F.S., may not be placed in the child's permanent record, and shall be removed from all school records no later than 9 months from the date of the arrest.

B. State Attorney: Notification of Being Formally Charged with a Delinquent Act

1. Subsequent to formally charging any enrolled student with a felony or a delinquent act which would be a felony if committed by an adult, the State Attorney's Office will notify the Superintendent of Schools.

2. Within forty-eight (48) hours of receipt of this information, the superintendent or his/her designee will notify the appropriate school personnel, including the principal at the student's school. The principal must immediately forward this information to the student's immediate classroom teacher by whatever means necessary to ensure the confidentiality of the information.

3. Upon receipt of information that a student has been formally charged, the principal shall address the necessity of beginning suspension actions as authorized under Section 232.26(2), F.S., and Chapter 6A-1.0956, Florida Board of Education Rules. If it is shown, in an administrative hearing, with notice to the parent/guardian, that the incident for which the student was formally charged has an adverse impact on the educational program, discipline, or welfare in the school at which the student is enrolled, the principal may suspend the student pending court determination of his/her guilt or innocence, or the dismissal of the charge by a court of competent jurisdiction.

C. Administrative Hearing to Begin Suspension Proceedings

1. Upon receiving proper notice that a student has been formally charged with a felony, the principal shall immediately notify the parent or guardian of the student, in writing, of the specific charges against the student and of the right to a hearing prior to disciplinary

action being instituted under the provisions of Section 232.26(2),F.S. Reasonable effort should be made to communicate with parents in their primary language or in the language in which they feel comfortable. The mode of transmission should also be adjusted, where necessary, to promote comprehension, acceptance, and trust. (School Board Rule 6Gx13- 1B-1.011)

2. Such notice shall stipulate a date for hearing which shall be not less than two (2) school days nor more than five (5) school days from postmarked date, or delivery, of the notice and shall also advise the parent of the conditions under which a waiver of suspension may be granted, as prescribed in Section 232.26(2), F.S., (see below in Section 6). Pending such hearing, the student may be temporarily suspended by the principal.

3. The hearing shall be conducted by the principal, or designee, and may be attended by the student, the parent, the student's representative or counsel, and any witnesses requested by the student or the principal.

4. The student may speak in his/her own defense, may present any evidence indicating his/her eligibility for wavier of disciplinary action, and may be questioned on his/her testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify.

5. In conducting the hearing, the principal or designee shall not be bound by rules of evidence or any other courtroom procedure and no transcript of testimony shall be required.

6. Following the hearing, the principal shall provide the student and parent with a decision, in writing, as to whether or not suspension will be made. In arriving at this decision, the principal shall consider the conditions prescribed by subsection (2) of Section 232.26, F.S., (under which a waiver of suspension may be granted), and may grant such a waiver when he or she determines such action to be in the best interests of the school and the student. If the court determines that the student did commit the felony or delinquent act which would have been a felony if committed by an adult, the School Board shall have the authority to expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the student in any residential, non-residential, alternative, daytime, or evening program outside the regular school setting.

7. Following the hearing with the parents, if the principal is requesting suspension, an electronic mail message must be sent to the Division of Alternative Education (see sample in Appendix, page A-25). In the event the principal recommends suspension, the letter of "Recommendation of Suspension For the Commission of a Felonious Act or a Delinquent Act Which Would Be a Felony if Committed By an Adult" (See Appendix, pages A-27 - A-28), will be sent to the parent by the Division of Alternative Education. The student will be provided an alternative education assignment during the term of suspension from the traditional school program.

D. Courts: Notification of Case Disposition

1. Within forty-eight (48) hours of the finding in a case involving a student charged as set forth in section A of this Guideline #12, the court shall notify the Superintendent of Schools of the name and address of any student found to have committed a delinquent act, who has an adjudication of delinquent act withheld which, if committed by an adult, would be a felony, or the name and address of any student found guilty of a felony. The notification shall include the specific act which the student was found to have committed or for which adjudication was withheld, or the specific felony for which the student was found guilty.

2. Subsequent to the receipt of this information the Superintendent or his/her designee will notify the appropriate school personnel, including the principal at the student's school. The principal must immediately forward this information to the student's immediate classroom teacher. Anyone who receives this information and releases to, or shares it with, any unauthorized person will be subject to administrative penalties.

3. If the court determines that the pupil did commit the felony or delinquent act which would have been a felony if committed by an adult, the School Board shall have the authority to expel the student, provided that expulsion shall not affect the delivery of educational services to the pupil in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting. Any pupil who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under Chapter 893, F.S., may be entitled to a waiver of the discipline or expulsion.

4. Following notification of the adjudication of the case, a letter will be sent to the parent by the Division of Alternative Education advising that, based upon the outcome of the judicial action, the student is being returned to school or recommended for expulsion with or without the option of participation in the Work Back Program. An electronic mail message will be sent to the school and region office informing them of the final disposition of this expulsion recommendation (See sample in Appendix, page A-29).

## GUIDELINE #13: POSSESSION, USE, DISTRIBUTION, AND/OR SALE OF MOOD MODIFIERS OR CONTROLLED SUBSTANCES

### CURRENT LAW AND/OR PRACTICE

Any student subject to discipline or expulsion for unlawful possession or use of any controlled substance under Chapter 893, F.S., may be entitled to a waiver of expulsion if the student divulges information leading to the arrest and conviction of the person who supplied such controlled substance or if the student voluntarily discloses his/her unlawful possession of such controlled substance prior to his/her arrest. Any information divulged that leads to such arrest and conviction shall not be admissible as evidence in a subsequent criminal trial against the student who divulges such information. Any student subject to discipline or expulsion for unlawful possession or use of any substance controlled under Chapter 893 may also receive a waiver of the discipline or expulsion if the student voluntarily enrolls in or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program. Section 232.26(2), F.S.

In accordance with Section 232.277, F.S.:

> School personnel are required to report to the principal or principal's designee any suspected unlawful use, possession, or sale by a student of any controlled substance, as defined in Section 893.02, F.S., any counterfeit controlled substance, as defined in Section 831.31, F.S., any alcoholic beverage, as defined in Section 561.01(4), F.S., or model glue.

All school personnel shall be exempt from civil liability when reporting in good faith to the proper school authority such suspected unlawful use, possession, or sale by a student. Only a principal or designee shall contact the parent(s)/guardian(s) of a student regarding this situation.

### PROCEDURES

1. A waiver of expulsion should not be considered when the sale or distribution of a mood modifying substance is obvious and/or the student possesses an excessive quantity, until the allegation is discussed with the Associate Superintendent, Bureau of Adult/Vocational, Alternative and Dropout Prevention Programs. Possession of any amount of cocaine, or possession of amounts of other mood modifiers or drugs, including alcohol, that would be considered greater than those for personal use, shall be considered excessive, and a recommendation for expulsion should be made.

**Guideline #13: Possession, Use, Distribution, and/or Sale of Mood Modifiers or Controlled Substances (continued)**

Pursuant to the provisions of Sections 893.13, 893.02, and 893.03, F.S., the possession of substances listed in Chapter 893 is illegal. The amount possessed is immaterial.

2. A principal may recommend expulsion for possession of a mood-modifying substance, regardless of the amount, if it is a recurrent incident (third violation) or, in the opinion of the principal, the situation justifies a recommendation for expulsion.[1]

3. If a student is involved with mood-modifying substances and is not recommended for expulsion, or if a recommendation is denied, a referral should be made to the appropriate student services personnel. Those students recommended for expulsion for drug involvement will be given information about the appropriate agencies.

4. If a waiver is approved, the principal may refer the student to the appropriate student services personnel, alternative intervention program, or any other appropriate resource.

5. Control and Analysis of Evidence

Principals or designees are instructed to take the following actions when dealing with drug-related cases:

a. Place the evidence in a sealed envelope and place identifying information on the outside and secure for Miami-Dade Schools Police Department. **Do not destroy.**

b. Ask the Miami-Dade Schools Police Department to pick up the evidence. Miami-Dade Schools Police Department will conduct an analysis of the substance and retain the evidence for presentation in court or at an administrative hearing, should one be requested.

c. When dealing with an adult, 18 years of age or older, contact the State Attorney's office for guidance.

---

[1]Section 232.26 (3), F.S.

**Guideline #13: Possession, Use, Distribution, and/or Sale of Mood Modifiers or Controlled Substances (continued)**

It is fully understood that this guideline cannot address all circumstances relative to drugs that may arise in a given school. It is, however, the Board's intent to eliminate the flow of drugs within and around Miami-Dade County public schools. Therefore, a principal, when in doubt as to whether circumstances warrant an expulsion and/or suspension, should consult with the Associate Superintendent, Bureau of Adult/Vocational, Alternative and Dropout Prevention Programs.

## GUIDELINE #14: PRELIMINARY INVESTIGATION BY ADMINISTRATION

### CURRENT LAW AND/OR PRACTICE

The preliminary investigation conducted by the administration is one of the most important aspects in the preparation of a case, especially when further disciplinary actions may be taken, or a case may be referred to the court system.

Procedures have been established by Miami-Dade County School Board policy to determine when an administrator shall report a crime **(Procedures for Promoting and Maintaining a Safe Learning Environment),** Miami-Dade County School Board Rule 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior.

### PROCEDURES

1. When an incident occurs and is reported to the administration, a determination must be made whether to handle the incident administratively or criminally through the Miami-Dade Schools Police Department and/or another police agency. The principal or designee should adhere to the following steps in making such determinations:

   a. Complete the incident report with the pertinent information describing the incident in detail. The incident report should contain the following information:

      (1) narrative description of offense
      (2) names of victim, offender, suspect, witness
      (3) location and/or address of occurrence
      (4) date and time of occurrence
      (5) description of weapon/drug involved (if any)
      (6) type of injury (if any)
      (7) name of parent(s)/guardian(s) notified
      (8) type of property taken, serial number, value
      (9) details of complaint or other pertinent information
      (10) administrative action taken

   b. Keep the involved persons separated until after all statements are taken. After interviewing the parties and witnesses and making a decision to refer the case to the Miami-Dade Schools Police Department, the following guidelines should assist the administrator in the preliminary preparation of his/her case report. In the case of alleged sexual battery see Guideline #4.

**Guideline #14: Preliminary Investigation by Administration (continued)**

c. Take written statements, in ink, from all parties involved, including the person in charge of the location or area where the incident occurred. The original statements should be turned over to the Miami-Dade Schools Police Department investigator and a copy retained by the school.

d. Have available the pertinent information of all parties involved to turn over to the investigator, e.g., names, addresses, telephone numbers, parent/guardian emergency contact information.

e. If the Department of Children and Families has been contacted, obtain the name and title of the DCF staff member contacted and the date and time the contact was made.

2. It is important that the administrator adhere to the following rules when **impounding physical evidence:**

a. All physical evidence should be labeled or marked for identification purposes with as much of the following information available as possible:

(1) Miami-Dade Schools Police Department case numbers
(2) type of incident
(3) address and location where property was impounded
(4) owner (if known) of property
(5) date and time property was impounded
(6) name of person impounding property

b. Confiscate and preserve all physical evidence, e.g., weapons, drugs, tools, equipment, clothes, in a safe and secured place.

c. All physical evidence, e.g., drugs, weapons, should be handled by the least number of people possible in order to avoid adding fingerprints or disturbing fingerprints and breaking the "chain of evidence." Once an identified piece of evidence has been used in the commission of a crime, all persons subsequently handling the evidence may be required to testify in a court of law.

d. All physical evidence should be turned over to the investigating officer(s) as soon as possible.

## GUIDELINE #15: CONTINUOUS DISRUPTIVE BEHAVIOR

### CURRENT LAW AND/OR PRACTICE

A student who commits, on a continuing basis, a combination of any of the violations listed in the **Codes of Student Conduct** which would result in the student being suspended more than 20 out-of-school days during a school year, shall be recommended by the school principal for expulsion.

The **Codes of Student Conduct** define distinct violations identified by principals, administrators, teachers, students, and community members that are representative of those acts causing disruption of the orderly educational process.

Students who disrupt the orderly educational process are subject to suspension, expulsion, or other Miami-Dade County School Board-approved alternatives. The acts that most frequently lead to administrative disciplinary action are willful disobedience, open defiance of authority, violence against persons or property, and/or other acts that substantially disrupt or have a detrimental effect upon the orderly conduct of the school.

### PROCEDURES

1. In each instance of suspension, the administrator must follow the procedures for suspension outlined in this document. (See Guideline #11, Suspensions.)

2. When the aggregate number of days of out-of-school suspensions exceeds ten, the principal must inform the parent(s)/guardian(s) that a pre-expulsion conference is being requested.

3. During the pre-expulsion conference, the parent(s)/guardian(s) must be informed that any out-of-school suspensions exceeding 20 days during one school year will automatically result in a recommendation for expulsion for continuous disruptive behavior.

4. When a student's aggregate number of days of out-of-school suspension exceeds 20, the principal will process the student for expulsion in accordance with the procedures outlined in this document. (See Guideline #17, Expulsions.)

**Guideline #15: Continuous Disruptive Behavior (continued)**

5. A waiver may be requested if the principal feels there are extenuating circumstances. (See Guideline #18, Requesting Waiver of Expulsion.)

6. Exceptional education students must be processed in accordance with the procedures in this document. (See Guideline #19, Discipline of Students with Disabilities.)

## GUIDELINE #16: OPPORTUNITY SCHOOL AND ALTERNATIVE EDUCATION PLACEMENT

### CURRENT LAW AND/OR PRACTICE

As an alternative to expulsion or other disciplinary action, the principal may recommend to the Superintendent that a student be assigned to an opportunity school program, which is an educational alternative program. Such action is taken only when strategies have been employed to assist the student in the regular school setting.

Section 230.2316, F.S., establishes criteria for selection and eligibility and defines programs designed to meet the needs of students who are disruptive, uninterested, or unsuccessful in a traditional school environment and may drop out of school. The educational alternative program may occur either within the school system or within any other agency authorized by the Miami-Dade County School Board.

Any student presently enrolled in the **Exceptional Student Education Program(s)** who is being recommended for assignment to an opportunity school program must also be referred immediately to the appropriate Region Superintendent and the region IEP team.

Students may be administratively assigned or may request voluntary assignment to the opportunity school program or an alternative program. In all cases, the following criteria must be met:

**1. Criteria for Eligibility**

A student may be eligible for an educational alternative program if the student meets one or more of the criteria set forth below, as determined by grades, achievement test scores, poor attendance, referrals for misbehavior, or other disciplinary action as listed in the dropout prevention profile. (See pages 151-156 for Guideline #34, Dropout Prevention and Academic Intervention.)

**a. Disruptive. A student who:**

(1) displays persistent behavior that interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide

(2) displays consistent behavior resulting in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school, either in or out of the school population

(3) displays disruptive behavior that severely threatens the general welfare of the student or other members of the school population

**b. Unsuccessful or uninterested. A student who:**

(1) demonstrates a lack of sufficient involvement in the traditional school program to achieve success because interests, needs, or talents are not being addressed

(2) shows unsatisfactory academic progress and the effort to provide assistance is either rejected or ineffective

## 2. Administrative Assignment

When the principal uses assignment to the opportunity school program as an alternative to expulsion, the student shall be afforded due process procedures.

The assignment will remain in effect until the opportunity school staff recommends that the student return to a traditional school program.

## PROCEDURES

## 1. Recommending Assignment to Opportunity School Program

The following procedures shall be implemented, using the Student Case Management System (SCMS):

a. Enter into the SCM system the appropriate Referral Code: R4 (Referred to Opportunity School)

b. When that code appears in the student's case management screen, the school, using electronic mail, will request placement in the opportunity school

NOTE: This request is to be addressed to Division of Alternative Education (DAE), Work Location (W.L.) (9724), using the appropriate form on the screen. (See sample in the Appendix, page A-31).

**Guideline #16: Opportunity School and Alternative Education Placement (continued)**

c. Division of Alternative Education staff will review the student's records to determine whether the records reflect that:

(1) the student is disruptive, unsuccessful, and/or uninterested in the regular school environment

(2) mandatory preventive strategies have been employed,

--- student conference
--- counselor involvement
--- parent conference at the time of administrative assignment
--- child study team conference
--- referrals to the Department of Children and Families and Juvenile Justice (DJJ)/Truancy (if student has excessive unsatisfactory absences)

d. If the student meets the criteria for placement and the preceding strategies have been employed, DAE will enter on the student's SCMS screen the appropriate Closure Code, (Administrative Assignment to Opportunity School).

e. DAE shall, by electronic mail, inform the school of the **approval** and effective date (five days after approval) or **denial** of request.

f. The appropriate opportunity school, region office, and the Department of Transportation will be notified of the approval via electronic mail.

g. By the effective date of assignment, the Department of Transportation should have made arrangements to transport the student to the opportunity school and to notify the opportunity school of the location of the bus stop and time of pick up.

h. The sending school shall forward the student's Cumulative Record Folder to the receiving school no later than four working days after receiving the notice of approval from DAE and shall inform the parent(s)/guardian(s) of the time of pick up and location of the bus stop.

i. All electronic mail correspondence relative to this action shall be filed in the electronic mail system by appropriate parties.

j. The Division of Alternative Education will inform the parent(s)/guardian(s) by certified letter of the administrative assignment to an alternative education program and of their due process rights, including procedures for requesting a hearing within 15 days of receipt of the letter and for obtaining legal assistance.

**NOTE:** When recommending an **exceptional student** for administrative assignment to the opportunity school program, an Individual Educational Plan (IEP) team meeting shall be held and the results recorded in the Student Data Base System.

## 2. Hearings

If the parents/guardians requests a hearing with the principal, any person(s) involved in the case may be requested by the parents/guardians to attend the hearing.

### a. School Level

The hearing should be conducted by the principal; however, in some instances, the principal may designate another staff member to conduct the hearing. The student must be given an opportunity to be heard at this hearing.

At the conclusion of the hearing, the school administrator, after reviewing the case with the parents/guardians, will reaffirm the suspension and recommendation for opportunity school assignment as originally stated or, based upon consideration of the facts and circumstances explained at the hearing, will advise the parents/guardians of the school's intention to either continue with or withdraw the request for reassignment and decision to take some alternative action.

### b. District Level

(1) The recommendation for assignment to the opportunity school program is reviewed by the Division of Alternative Education, prior to approval by the Superintendent of Schools. The DAE staff will notify the parents/guardians and appropriate school personnel of the approval or denial of the recommendation for assignment to the opportunity school program. If the recommendation is approved, the parents/guardians will be informed of the right to request a hearing before a hearing examiner.

If the parents/guardians request a hearing, the Division of Alternative Education will request that the school submit, within five days of the request, to the Office

of the School Board Attorney either an original or **completely legible copy** of the items indicated below. If a school fails to comply, it will be necessary for that office to terminate the hearing process, which will result in the student's being returned to the student's home school immediately. The home school is responsible for delivering the following documents to the School Board Attorney's office:

(a) **Request for Administrative Disciplinary Action (Opportunity School Assignment/Expulsion)** and attachments. Check witnesses' statements carefully for legibility. If copies of witness statements are not legible, retain the copies and forward the originals.

(b) **Pertinent Disciplinary Records:** Notices of work assignment in lieu of suspension, student case management referral and student services forms, notices of SCSI placement, suspension notices. Send legible copies of the actual forms, not a computer printout. If copies are not legible, retain the copies and forward the originals.

(c) **Progress Report** (current year and previous years) or **Permanent Record Card,** which shows academic grades

(d) **Test Record Card**

(e) **Attendance Record** Include prior years, if attendance is a problem.

(f) **Complaints of Truancy**

(g) **Multi-Disciplinary Team Report, Psychological Evaluation, Observation of Student Behavior** forms, **Anecdotals,** if any.

(h) Current Student Performance Plan (SPP), **"Individual Educational Plan" (IEP),** section **504 Accommodation Plan, or Limited English Proficient (LEP) Plan,** if any.

(i) Other information pertinent to the recommended action, e.g., memoranda, letters, chronology if any

(2) Division of Alternative Education will provide the School Board Attorney's Office with SCMS printouts and other appropriate material.

## Guideline #16: Opportunity School and Alternative Education Placement (continued)

### 3. Exceptional Education Students

a. Prior to recommending an exceptional student to the opportunity school program, an IEP team meeting shall be convened to review the case according to procedures outlined in Guideline #19, Discipline of Students with Disabilities.

b. If the recommendation is for assignment to an opportunity school, it shall be noted on the IEP and the request will be made to the Division of Alternative Education via electronic mail.

c. The IEP team conference date and all related referral actions and referral action codes will be recorded in the Integrated Student Information System (ISIS) system by the appropriate school staff. The cover page of the student's IEP shall be forwarded to the Division of Alternative Education.

### 4. Transfer Procedure

The opportunity school's social worker will conduct follow-up activities on all students transferred to the opportunity school program until they have been enrolled in the opportunity school.

### Voluntary Assignment

Students in grades six through twelve who demonstrate a consistent inability to function in a regular school program may volunteer for placement in an opportunity school or another alternative program. **However, students currently enrolled in the Exceptional Student Program(s) must be referred through an IEP team chaired by a Region staffing specialist.**

Students who meet the stated criteria, as listed in the beginning of this Guideline, will be considered for placement in an opportunity school or another alternative program.

## PROCEDURES

The principal or designee identifying a student who meets the listed criteria shall implement the following procedures:

1. Schedule a conference with the parents/guardians to review:

   a. the student's past performance

   b. efforts made by the school to assist the student in adjusting to the traditional school program

   c. alternatives, including, but not limited to, placement in an opportunity school

   **This conference should not be the initial notice** to the parents/guardians that the student has not made a satisfactory adjustment in the school program. Encourage the parents/guardians to visit the specific opportunity school under consideration prior to signing the referral.

2. If, after having an opportunity to visit the school, the parents/guardians concur with the principal or designee's recommendation for transfer, a request for transfer must be signed by the parents/guardians and the principal, or designee, and maintained on file in the student's **Cumulative Record Folder.** (See Appendix, page A-33, for sample of Voluntary Transfer to the Opportunity School Program, Written Parental Permission.)

3. After a conference with the parents/guardians and after securing a copy of the signed request for opportunity school assignment by the parents/guardians, the following should occur:

   a. the school, using electronic mail, will request placement in the opportunity school (See Appendix, page A-35.)

   b. staff in the Division of Alternative Education shall, by electronic mail, inform the school of the **approval** or, if warranted, **denial** of the request

   c. the appropriate opportunity school, the region office, and the Department of Transportation will be notified of the approval via electronic mail

d. the Department of Transportation shall make arrangements to transport the student to the opportunity school and notify the school of time and place of pick-up

e. the sending school **shall not withdraw** the student or **send the student's Cumulative Record Folder** to the opportunity school until the student has registered in the opportunity school and the Cumulative Record Folder has been requested by the opportunity school

f. all electronic correspondence relative to this action shall be filed in the electronic mail system by appropriate parties

g. the DAE staff will inform the parents/guardians by U.S. mail of the assignment

h. all transactions relative to the requested action, including the signed request for voluntary opportunity school assignment, shall be kept in the student's **Cumulative Record Folder.**

4. Parent(s)/guardian(s) may also initiate a transfer for a student to an opportunity school program for an **exceptional education student.** When this occurs, an IEP team meeting shall be held and the results recorded in the student's database system.

5. If an alternative program other than opportunity school is considered, staff from the Division of Alternative Education should be consulted.

## DROPOUT PREVENTION CRITERIA

The identification of and the intervention strategies for potential dropouts are major concerns of Miami-Dade County Public Schools. M-DCPS has developed a comprehensive plan that will allow at-risk students in grades 1 through 12 an opportunity to continue their education. Students who meet the at-risk eligibility criteria and have been recommended by the administration and staff, upon approval of the parent(s)/guardian(s), are assigned to a dropout prevention program. Other students may be administratively assigned by the district's alternative education staff to alternative education centers. The dropout prevention identification includes two or more of the following criteria:

1. Retention: Retention in same grade one year or more

**Guideline #16: Opportunity School and Alternative Education Placement (continued)**

2. Failing grades: Three or more final grades of "D" or "F" in previous school year

3. Low grade point average: Responsive (Cumulative Unweighted) Grade Point Average (GPA) of less than 2.0 (grades 9-12 only)

4. Falling behind in earning credits: Cumulative credits earned less than what is considered standard for grade level:

| Grade | Mid-Year | End-of-Year |
|---|---|---|
| 09 | | 6 |
| 10 | 9 | 12 |
| 11 | 15 | 18 |
| 12 | 21 | 24 |

5. Not meeting the state requirements or district proficiency levels in reading, mathematics, or writing as set forth in the Pupil Progression Plan (PPP). For state requirements and district proficiency levels, see PPP Part One, Section II, D (Grades 1-5), Section III, E (Grades 6-8), and Section III, P (Grades 9-12).

6. Pattern of excessive absenteeism or has been identified as a habitual truant. Absences of any type (excused or unexcused) totaling 15 or more during the previous semester

A student who otherwise meets the criteria for dropout prevention, may not be denied participation in any program because of limited English proficiency, but by the same token, a child cannot be placed in an alternative program just because the student is a limited English proficient student.

Additionally, many of the dropout prevention programs contained in this document have specific criteria for eligibility not included in the six criteria listed above, e.g., pregnancy and criminal adjudication. These are determined based on the available program services and needs of specific students at risk.

## GUIDELINE #17: EXPULSIONS

### CURRENT LAW AND/OR PRACTICE

Subject to Florida Statutes, Florida Board of Education Rules, and Miami-Dade County School Board Rules, principals may request that the Superintendent recommend to the School Board that a student be expelled. Principals may take this action when they have exhausted less severe administrative disciplinary action, or when they have considered those alternatives and rejected them as inappropriate in the given situation.

Any student with disabilities currently enrolled in a Miami-Dade County public school who commits a disruptive act of sufficient severity to have an expulsion recommended must be referred immediately to the Division of Alternative Education (DAE). If the student is enrolled in the Exceptional Student Education program, an IEP team meeting must be held in accordance with Guideline #19, Discipline of Students with Disabilities, pages 93-101.

Only the Miami-Dade County School Board can approve an expulsion. The maximum period of time may not exceed the remainder of the term or school year, the summer session, and one additional school year of attendance.[1]

The Superintendent may modify the expulsion process and give staff the authority to develop a **Work Back Program in Lieu of Expulsion.**

Students recommended for expulsion as a result of a Group VI violation are ineligible for the Work Back Program in Lieu of Expulsion.

Recommending expulsion is the most serious disciplinary measure available to the school principal. It may deny the student attendance in any or all programs of Miami-Dade County Public Schools for a designated period.

### PROCEDURES

**1. Investigation and Informal Hearing**

a. The accused student should be presented to the principal or designee by the person(s) having knowledge of the alleged misbehavior or infraction.

---

[1]Section 228.041 (26), F.S.

b. It shall be the duty of the principal or designee to conduct an informal hearing to determine the facts, as presented by the accusing person(s), the accused student, and any witnesses who may have knowledge of the incident(s). The principal shall prepare, in written form, a list of witnesses to the incident and a summary of their testimony. The list of witness(es) and the written summaries shall be kept on file in the principal's office.

## 2. Notifications

a. At the time of the incident, the principal shall notify the Miami-Dade Schools Police Department, and the region office.

b. Every effort shall be made to contact the parent(s)/guardian(s) immediately to inform them that the student is being suspended and expulsion recommended, and the reason for the action.

The parent(s)/guardian(s) shall be informed that the **Notice of Ten-Day Suspension - Consideration of Expulsion,** Form FM - 1582E, (see Appendix, page A-37) has been sent and that they have a right to a hearing. A copy of the student's Student Case Management (SCM) record shall accompany the notice to the parent(s)/guardian(s). If the parent(s)/guardian(s) cannot be contacted, the student IS NOT to be sent home during the school day. IF A HEARING IS REQUESTED, refer to Section 5.

## 3. Procedures for Recommending Expulsion (Student Case Management System [SCMS])

### a. School Level

Implement the following procedures, using the SCMS:

(1) Enter into the SCMS the appropriate Referral Code(s), Student Services Code(s), and Referral Action Code: E5 (Expulsion Recommended).

(2) When this code appears in the Student Case Management System screen, the school, by electronic mail, should pull up the appropriate screen for recommending expulsion and complete the required information. (See Appendix, pages A-39 - A-40.) IF A WAIVER IS REQUESTED, see Section 4.

**Guideline #17: Expulsions (continued)**

**b. District Level**

(1) The Division of Alternative Education (DAE) staff will review the case materials to determine whether the records reflect that:

(a) the violation(s) and recommended action conform to the **Codes of Student Conduct** and Miami-Dade County School Board Rules
(b) the recommended action is consistent with other actions taken relative to similar cases
(c) there is no ambiguity or conflicting material presented in the description of the incident

(2) If the above conditions are not met the **Denial of Expulsion Request** is sent by the Division of Alternative Education to the school and region office.

(3) If the preceding conditions have been met, DAE staff will:

a. inform the parent(s)/guardian(s) by U. S. mail of the charges, and offer a **Work Back Program in Lieu of Expulsion** or, for those offenses which do not allow for a Work Back Program, offer an **Alternative Telecommunications Program in Lieu of Expulsion.** The right of a parent(s)/guardian(s) to a hearing concerning the recommended action and directions for requesting a hearing will be included.

b. inform the school and region office, by electronic mail, of the **Approval of the Expulsion Request.**

(4) Students charged with Group IV, V or VI violations of the **Codes of Student Conduct** and recommended for expulsion will be considered for a psychological evaluation through a Child Study Team (CST) meeting to be held by the recommending school. A DAE psychologist will conduct psychological evaluations when recommended.

(5) DAE staff will assign a Work Back counselor to work with the parent(s)/guardian(s) who have accepted the **Work Back Program in Lieu of Expulsion** and develop an appropriate plan for the student. The student shall enter the chosen alternative education program within ten days, or immediately upon expiration of the suspension from school.

(6) DAE staff will contact the parent(s)/guardian(s) of students whose offense(s) do not permit the Work Back Program in Lieu of Expulsion and arrange for the students' assignment to the Alternative Telecommunications Program. This assignment shall be for the remainder of the present school year, the summer session, and the following school year; or longer if positive behavior is not demonstrated.

(7) DAE staff will enter into the SCM system the appropriate closure code.

**NOTE:** If the parent(s)/guardian(s) requests a hearing, all subsequent actions are to be taken by the School Board Attorney's Office.

## 4. Request for Waiver of Expulsion

When a principal wants to request a waiver of expulsion (alternative to expulsion) he/she will follow the procedures for recommending an expulsion and indicate waiver in the appropriate space on the screen. The principal will describe the incident succinctly, state the rationale for recommending a waiver, and indicate that the student should remain in the home school. See Guideline #18: **Requesting Waiver of Expulsion.**

## 5. Hearings

If the parent(s)/guardian(s) avail themselves of the opportunity for a hearing with the principal, any person(s) involved in the case may be requested by the parent(s)/guardian(s) to attend the hearing.

Expulsion hearings are not open to the public unless requested by the parent(s)/guardians(s) of the student.[1]

[1] Section 230.23(6)(c), F.S.

**Guideline #17: Expulsions (continued)**

**a. School Level**

(1) The hearing should be conducted by the principal; however, in some instances, the principal may designate another staff member to conduct the hearing. The student must be given an opportunity to be heard at this hearing.

At the conclusion of the hearing, the school administrator, after reviewing the case with the parent(s)/guardian(s), will reaffirm the suspension and recommendation for expulsion as originally stated or, based upon consideration of the facts and circumstances explained at the hearing, will advise the parent(s)/guardian(s) of the school's intention to withdraw the request for expulsion and take some alternative action.

(2) The parent(s)/guardian(s) should be informed that, prior to any Miami-Dade County School Board action being taken on the expulsion request, they will be given an opportunity to request a hearing before an impartial hearing officer.

**b. District Level**

(1) Whenever the parent(s)/guardian(s) request a hearing, after receiving notification from the Superintendent that their child is being expelled, the Division of Alternative Education staff will request that the school submit, within five days of the request, to the Office of the School Board Attorney either an original or completely legible copy of the items indicated below. If original documents are sent, the school must retain legible copies for their files. If a school fails to comply, it will be necessary for that office to terminate the hearing process, which will result in the student's being returned to the student's home school immediately. The home school is responsible for delivering the following documents to the School Board Attorney's office:

**(a) Request for Administrative Disciplinary Action (Opportunity School Assignment/Expulsion)** and attachments. Check witnesses' statements carefully for legibility. If copies of witnesses' statements are not legible, retain the copies and forward the originals.

(b) **Pertinent Disciplinary Records: Notices of Work Assignment in Lieu of Suspension, Student Case Management Referral and Student Services forms, Notices of SCSI Placement, Suspension Notices.** Send legible copies of the actual forms, **not a computer printout**. If copies are not legible, retain the copies and forward the originals.

(c) **Progress Report Card** (current year and previous years) or **Permanent Record Card,** which show academic grades

(d) **Test Record Card**

(e) **Attendance Calendar Card(s)** Include prior years, if attendance is a problem.

(f) **Complaints of Truancy**

(g) **Multi-Disciplinary Team Report, Psychological Evaluation, Observation of Student Behavior forms, Anecdotal,** if any

(h) **Current Student Performance Plan (SPP), Individual Educational Plan (IEP),** and Section **504 Accommodation Plan,** and **Limited English Proficient (LEP) Plan,** if any

(i) Other information pertinent to the recommended action, e.g., memoranda, letters, chronology, if any.

(2) DAE will provide the School Board Attorney's Office with SCM printouts and other appropriate material.

(3) The School Board Attorney will inform the Division of Alternative Education of the results of the hearing and submit the case to the Miami-Dade County School Board for final action.

(4) The School Board Attorney will inform the parent(s)/guardian(s) of the final action and send DAE and the home school a copy of the Final Order. DAE will inform the appropriate alternative program administrator.

(5) The Division of Alternative Education will enter the appropriate closure code into the SCMS, e.g., Expulsion Denied via Hearing, Settlement, Expulsion.

## 6. Work Back Program

The **Work Back Program** is a Board-approved program consisting of up to five components, and a contractual agreement with Miami-Dade County Public Schools. (See Appendix, pages A-41 - A-42.)

a. A Work Back counselor will visit the parent(s)/guardian(s) and the student who has been recommended for expulsion to work out a plan for the student to follow in lieu of expulsion.

b. The parent(s)/guardian(s) and student must sign the contractual agreement, which consists of academic, counseling, behavioral, community service, and, where applicable, employability components. Students who are being recommended for expulsion for drug involvement will be referred to the appropriate agency through the school, region or district office.

c. The Work Back Program in Lieu of Expulsion becomes effective the day the agreement is signed and the student attends the educational placement.

d. The Work Back counselor must, on a weekly basis, monitor the student's progress during the expulsion period and receive reports from the persons who have agreed to supervise the student in each component.

e. When the student successfully completes the contractual agreement, the Work Back counselor will certify the completion and make a recommendation for the student to return to a traditional school program.

f. The Work Back counselor will continue to monitor the student for nine weeks after return to the traditional school program.

## GUIDELINE #18: REQUESTING WAIVER OF EXPULSION

### CURRENT LAW AND/OR PRACTICE

The principal or designee may recommend to the Superintendent the expulsion of any student who has committed a serious breach of conduct, such as willful disobedience, open defiance of authority, violence against persons or property, or any other act that substantially disrupts the orderly conduct of the school. Any recommendation for expulsion shall include a detailed report by the principal or designee on alternative measures taken prior to the recommendation of expulsion. Section 232.26, F.S.

Principals must recommend expulsion for serious student misconduct, as defined by Miami-Dade County School Board Rules and administrative directives. Those criteria focus on the facts of student misconduct and its effect on an orderly and safe environment in the school. Principals may request a waiver of expulsion for students upon consideration of criteria set out in this Guideline. These criteria focus on characteristics of the individual student and his/her potential for positive change in behavior. All students recommended for expulsion, except those charged with certain Group VI violations and possession of **cocaine** in any amount (without completion of a Substance Abuse Program), will be offered either a **Work Back Program in Lieu of Expulsion, Alternative Telecommunications Program in Lieu of Expulsion,** waiver to the opportunity school or another alternative program, or be allowed to remain in the home school, if requested.

### PROCEDURES

1. The principal may consider requesting a waiver in cases where a recommendation for expulsion is mandatory according to the **Codes of Student Conduct. A request for waiver shall be made only if the principal determines that the student should remain in the home school.**

2. A principal should consider the following factors in determining whether to request a waiver. Factors that are relevant to individual cases should be used to justify a waiver request.

**Guideline #18: Requesting Waiver of Expulsion (continued)**

**a. Drug-Related Infractions**

In cases involving drug-related infractions, as stated in Section 232.26, F.S., consideration should be given to the fact that:

(1) the student divulged information leading to the identification and/or arrest and/or conviction of the person who supplied the drugs

(2) the student voluntarily disclosed his/her possession of the drugs prior to arrest

(3) the student voluntarily enrolls in or the courts refer the student to a state-licensed drug abuse program and the student successfully completes the program

**b. Other Violations**

In all cases in which a waiver is contemplated, the following should be considered:

(1) any actions or intentions on the part of the student that diminish the seriousness of the student's misconduct

(2) the student's prior educational and disciplinary record

(3) opinions from the teaching and counseling staff

(4) the student's potential for reform, including consideration of family and community resources

(5) the school's prior use of less drastic alternatives, educational counseling, and disciplinary strategies

(6) other considerations relevant to the individual student

3. The Division of Alternative Education shall:

a. By electronic mail inform the school and region office of the action taken on the request for expulsion waiver.

**Guideline #18: Requesting Waiver of Expulsion (continued)**

b. Inform the parent(s)/guardian(s) by certified letter of the administrative assignment to an alternative education program as an expulsion waiver.

**NOTE:** When recommending an exceptional student for administrative assignment to the Opportunity School Program in Lieu of Expulsion, an IEP team meeting shall be held and the results recorded in the Student Data Base System.

4. In the event the student is administratively assigned to the opportunity school as a waiver action the procedures in Guideline #16 for requesting a hearing will apply.

## GUIDELINE #19: DISCIPLINE OF STUDENTS WITH DISABILITIES

### CURRENT LAW AND/OR PRACTICE

The discipline of students with disabilities is covered by Federal Law, Florida Statutes, Florida Board of Education Rules, and Miami-Dade County School Board Rules.

This section contains **additional procedures** which are applicable to disciplining students with disabilities. **Only procedures which deviate** from procedures for regular program students are noted in this section; where there are **no** changes, the traditional program procedures apply.

The Miami-Dade County Public Schools **Codes of Student Conduct** define distinct violations identified by administrators, teachers, students, and community members, which are representative of those acts frequently causing disruption of the orderly educational process.

The **Individuals with Disabilities Education Act (IDEA)** revised in 1997, authorizes schools to remove a student with disabilities for up to ten school days for minor disciplinary infractions and for up to 45 days for dangerous behavior involving weapons and drugs through the administrative review process.

Parents/guardians of student(s) with a disability must be provided with a notice of disciplinary action and a copy of the Summary of Procedural Safeguards no later than the date the decision was made to take action.

Removal of a student with a disability for more than ten cumulative days requires an **Individual Educational Plan (IEP)** team meeting to determine if the student's behavior is a manifestation of his/her handicapping condition.

During any suspension beyond the initial ten days, the student must continue to receive a **Free Appropriate Public Education (FAPE)**.

### PROCEDURES

A. Prior to the use of suspension, the administrator should consider various less restrictive alternatives. If a child has behavior problems that interfere with his/her learning or the learning of others, the IEP team must consider whether strategies, including positive

behavioral interventions and supports, are needed to address the behavior. To ensure FAPE, these alternatives should include, but are not limited to:

1. daily progress report
2. behavioral intervention plan
3. parent conference
4. detention/after school assignment
5. assignment to School for Special Instruction (SCSI) class

Note: If a student is assigned to SCSI, the student's IEP must continue to be implemented.

B. Other options that may be explored through the convening of an IEP team meeting are:

1. providing additional related services, e.g., counseling
2. increasing time in current special program
3. changing the student's educational placement
4. shortening the school day

C. Consistent misbehavior which violates the **Codes of Student Conduct** and for which usual disciplinary actions including, but not limited to, SCSI, outdoor suspensions, and assignment to an opportunity school, have failed to produce positive results, should result in the administrator's requesting an IEP team meeting for the purpose of reviewing the student's placement and obtaining further evaluative data.

D. An IEP team meeting to determine if the suspendable behavior is a manifestation of a student's disability must be held after the tenth day of suspension and prior to any additional suspensions. A Functional Assessment of Behavior (FAB) and Behavior Intervention Plan (BIP) should be initiated by the sixth day of suspension in order to be reviewed by the IEP team following the tenth day of suspension.

Once the FAB is conducted, the IEP team reconvenes and develops a BIP. This BIP must be reviewed by the IEP team during any additional suspensions.

Reminder: The Manifestation Determination process must be completed prior to any additional suspensions after the initial ten days of suspension and initiated no later than ten business days after the tenth day of suspension or upon recommendation of expulsion.

Note: If bus transportation is a related service on the student's IEP, a bus suspension must be counted toward the ten days of suspension unless transportation is provided in some other way.

If bus transportation is not a related service on the student's IEP, a bus suspension is not considered a suspension under IDEA. In this case, the student or parent(s) would have the obligation to provide transportation to and from school.

E. Manifestation of the disability is defined as the determination that there exists a causal relationship between the student's disability and a specific behavior that usually results in disciplinary action.

1. If the inappropriate behavior is a direct manifestation of the disability, additional intervention plans, **alternative educational programs (AEPs)**, and other resources must be considered by the IEP team.

2. If the inappropriate behavior is a result of the student's current placement, the IEP team must consider a more or less restrictive environment.

3. To determine if the behavior is a manifestation of the student's disability, the IEP team reviews the following:

   a. appropriateness of current placement
   b. ability of the student to understand the impact of the behavior
   c. ability of the student to control the behavior

4. If the behavior is determined not to be a manifestation of the disability, placement alternatives for IEP implementation should be considered based on the needs of the student.

5. If the IEP team determines that the student's placement should be changed to an alternative educational setting, the IEP team must ensure that the placement will:

   a. enable the student to continue to participate in the general curriculum to the extent possible;

   b. enable the student to continue to receive services and modifications delineated in the student's current IEP; and

   c. include services and modifications designed to address the student's misbehavior so that it does not recur.

F. EXPULSIONS

a. A principal may request that the Superintendent recommend to the Miami-Dade County School Board that a student with a disability be expelled if the IEP team determines that the student's behavior is not a manifestation of his/her disability. This is the most serious disciplinary measure available to a school principal. It may deny the student attendance in any of Miami-Dade County public schools for a designated period; however, this action must not result in a complete cessation of educational services.

b. A FAB must be initiated within ten business days of the recommendation for expulsion. The IEP team must determine the degree of services and modifications necessary to prevent the behaviors from recurring. Gun and drug violations may result in an expedited removal/change of placement.

c. Students recommended for expulsion are placed either at an opportunity school or in another alternative educational placement and allowed to participate, when appropriate, in the **Work Back Program.** Expulsion is withheld. (See Appendix, pages A-43 - A-44).

G. DEFINITIONS

**1. FAPE**

A free appropriate public education (FAPE) means that the student must have the opportunity to make appropriate progress in the same curriculum as that offered to non-disabled students and make appropriate advancement toward his/her IEP goals.

**2. Dangerous Weapon**

The IDEA amendments and regulations incorporate the definition of dangerous weapon delineated in the U.S. code: "...a weapon, device, instrument, material or substance animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that the term does not include a pocket knife with a blade of less than 2½ inches in length."

**3. Controlled Substance**

The IDEA amendments and regulations incorporate the definition of controlled substance as defined in the Controlled Substances Act. Regarding the level of intent, the IDEA amendments and regulations specify the student must "knowingly" possess or use illegal drugs.

**4. Day**

**Day** means calendar day, unless otherwise indicated as business day or school day.

**Business day** means Monday through Friday, except for Federal and State holidays, unless holidays are specifically included in the designation of business day.

**School day** means any day (including a partial day) that students are in attendance at school for instructional purposes. The term "school day" has the same meaning for all students with and without disabilities.

5. **Functional Assessment of Behavior (FAB)** is a formal assessment to identify the function or purpose that the behavior serves for the student so that classroom interventions and behavior support plans can be developed to improve behavior. The assessment includes observations of the behaviors and interviews with the family, teachers, and the student. The purpose of the FAB is to determine the incidence, antecedent behaviors, and response of the targeted behavior.

6. **Behavioral Intervention Plan (BIP)** addresses the specific behavioral needs of the student in question with specific interventions to replace the targeted behaviors. It is written as a result of the information compiled from a functional assessment of behavior.

H. Provision of Procedural Safeguards

Any action involving a child with disabilities that will initiate or change his/her identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE), must be accompanied by the following procedural safeguards:

1. Parent(s)/guardian(s) of such child must receive prior written notice of the proposed initiation or change.

2. Such notice must be in the parent(s)/guardian(s) native language whenever practical.

3. Such notice must fully inform the parent(s)/guardian(s) of all the protections available to them under the Individuals with Disabilities Education Act (IDEA).

4. Parent(s)/guardian(s) must be informed of their right to present complaints regarding the proposed initiation or change in their child's identification, evaluation, educational placement, or the provision of a FAPE.

Note: The same procedural safeguards outlined above shall be applicable if the action involves a refusal to initiate or change the child's identification, evaluation, educational placement, or the provision of a FAPE.

Note: Removal of a disabled student for more than ten days is considered a change in the child's educational placement, and requires that the above procedures be followed.

**Guideline #19: Discipline of Students with Disabilities (continued)**

I. If the parent(s)/guardian(s) of a child with disabilities files a request for hearing regarding a proposed initiation or change in their child's identification, evaluation, educational placement, or the provision of a FAPE, the parent(s)/guardian(s) shall be entitled to an impartial due process hearing.

1. If the hearing is requested regarding a child with disabilities who brought a weapon to school, such child shall be placed in an interim alternative education setting during the pendency of the hearing, unless the parent(s)/guardian(s) and the Miami-Dade County School Board agree otherwise.

2. Such hearing shall not be conducted by any school employee who is involved in the education or care of such child.

3. Parent(s)/guardian(s) shall have the following rights regarding the due process hearing:

   a. right to counsel
   b. right to have present a person with special knowledge or training in the area of educating children with disabilities
   c. right to present evidence
   d. right to compel attendance of witnesses
   e. right to confront witnesses
   f. right to cross examine witnesses
   g. right to a verbatim record of the hearing
   h. right to written findings of facts and/or decisions

J. Parent(s)/guardian(s) shall, at all times, have the right to:

1. examine all records regarding the identification, evaluation, educational placement, or provision of FAPE to their child

2. obtain an independent educational evaluation of their child

K. If a child brings a weapon to school, he or she may be placed in an interim alternative educational setting for up to 45 days during any subsequent proceedings to determine what action is to be taken regarding such weapon by the Miami-Dade County School Board, the child's teacher, parent(s)/guardian(s), and the child, when appropriate.

**Guideline #19: Discipline of Students with Disabilities (continued)**

L. During the pendency of any proceeding, other than one for possession of a weapon in school, the child shall remain in his/her current educational placement, unless the parent(s)/ guardian(s) and the Miami-Dade County School Board agree otherwise.

M. If a child is being evaluated for initial admission to a Miami-Dade County public school, such child shall be placed in a public school program during the pendency of such evaluation if the parent(s)/guardian(s) consent.

**Discipline of Students with Disabilities**
Office of Exceptional Student Education & Psychological Services

Student commits violation of Code of Student Conduct and is recommended for suspension or expulsion.

Parent is provided with Proposed Action of Removal and given a Summary of Procedural Safeguards.

Number of suspension days student has accumulated this year (including this suspension)

- < 6 days → No further action
- > 5 but < 10 days → Student has BIP
  - YES → No further action
  - NO → Initiate FAB/BIP process → When FAB/BIP process is complete, IEP team meets to incorporate BIP into IEP.
- 10 or more days → Student has BIP
  - YES →
    - IEP team meets to make manifestation determination.
    - Review BIP and revise, if needed.
  - NO →
    - IEP team meets to:
    - initiate FAB/BIP process.
    - make manifestation determination.

Behavior is a manifestation of disability.

- YES →
  - Review placement and IEP.
  - Ensure provision of FAPE.
- NO → Review placement, discuss discipline options, and ensure FAPE.

When FAB/BIP process is complete, IEP team meets to incorporate BIP into IEP.

Miami-Dade County Public Schools
giving our students the world

## GUIDELINE #20: DISCIPLINE OF NATIONAL ORIGIN MINORITY OR LIMITED ENGLISH PROFICIENT STUDENTS

**CURRENT LAW/AND OR PRACTICE**

Florida Board of Education Rule 6A-6.0908 (3) specifies that national origin minority or limited English proficient students shall not be subjected to any disciplinary action because of their use of a language other than English.

The school principal is responsible for ensuring that school personnel, e.g., teachers, support staff, are aware that national origin minority or limited English proficient (LEP) students cannot be subjected to disciplinary action because of the use of a language other than English.

Prior to disciplinary action, the student and/or parent/guardian must be provided appropriate information in the student's home language.

In the case of a LEP student, if the disciplinary action requires a change in program, a LEP committee must be convened, and its recommendation recorded in the individual student's LEP Plan.

## GUIDELINE #21: ATTENDANCE/CREDIT

### CURRENT LAW AND/OR PRACTICE

Regular school attendance is required for students between the ages of six and fifteen years of age, and students ages sixteen and seventeen who have not filed a formal declaration of intent to terminate school enrollment signed by the parent and child; and permitted at the age of five, except as provided in Chapter 232, F.S. The attendance of all public school pupils shall be checked each school day in the manner prescribed by regulations of the Florida Board of Education and Miami-Dade County Public Schools, **Student Attendance Reporting Procedures**. Pupils are in attendance only if they are actually present at school or are away from school on a school day but engaged in an educational activity that constitutes a part of the school-approved instructional program for the pupil. (See Appendix, page A-45.)

A secondary student who accumulates five or more unexcused class absences in a designated semester course or ten or more unexcused absences in an annual course will be subject to the withholding of final passing grade(s) pending a student/parent-requested administrative screening and/or review of all absences by the Attendance Review Committee.

Miami-Dade County Public Schools has the affirmative obligation to improve student attendance through a monitoring process that will classify all absences as excused or unexcused, to inform parent(s)/guardian(s) of student absences, and to see that the compulsory attendance laws are enforced. This obligation will be satisfied through the implementation of an attendance review procedure that monitors both the type and the number of student absences.

### PROCEDURES

**1. General**

a. Attendance is taken and recorded by duly authorized persons at a designated time(s) every official school day.

b. The daily attendance bulletin indicates the aggregate number of days each student has been absent from school.

**Guideline #21: Attendance/Credit (continued)**

c. A good-faith effort is made each day to contact the parent(s)/guardian(s) of students absent from school.

d. A determination is made by duly authorized persons as to the status (excused/unexcused) of each absence.

e. Parent(s)/guardian(s) are notified by telephone, U.S. mail, or by home visitation upon each consecutive third absence or fifth aggregate absence.

**2. Elementary School Procedures**

All requirements and procedures, except the no-credit ("NC") provision, as contained in Miami-Dade County School Board Rule **6Gx13- 5A-1.04, Student Attendance-Specific Responsibilities,** apply to elementary schools. The "NC" provision is not applicable to elementary schools because of unique class configurations and the fact that promotion is based primarily upon individual proficiency in relation to established performance standards, acceptable norms, and student potential, not upon credits earned.

Decisions regarding student promotion, retention, and special placement are primarily the responsibility of the individual school's professional staff; however, the final decision in regard to grade placement is the responsibility of the principal.

**3. Secondary School Procedures**

All requirements and procedures contained in the aforementioned Miami-Dade County School Board Rule apply to secondary schools.

The principal is expected to see that the following occur:

a. A screening procedure is established to review all student attendance petitions prior to forwarding the petitions to the Attendance Review Committee. This procedure is designed to permit the screener to recommend to the principal the issuing of final grades in those cases that have obvious extenuating circumstances

b. An Attendance Review Committee, consisting of three or more school staff personnel, is organized

c. Recommendations of the Attendance Review Committee are personally reviewed by the principal for any of the following decisions:

(1) issuing of final grades

**Guideline #21: Attendance/Credit (continued)**

(2) temporary withholding of final grades, with possible options including, but not limited to:

(a) make-up assignments

(b) attendance probation for the following grading period(s)

(c) completion of a school service project before or after the regularly scheduled school day

(3) permanent withholding of passing final grades and credit, provided the student is informed of his/her right of appeal to the region superintendent, or designee

d. teachers withhold the issuance of a PASSING final grade by recording an "NC" when the student has accumulated five unexcused absences in a designated semester course or ten unexcused absences in an annual course unless alternative actions are directed by the principal or designee including action by the Attendance Review Committee or the screener. The principal has the right to modify screening procedures in accordance with the need of each school

e. review of classes in which students have excessive absences is made in order to determine if quality of instruction is a factor in the failure of students to attend class on a regular basis. If this is the case, appropriate action must be taken to upgrade the quality of instruction in the classroom(s) in question

f. an advisory notice is sent to parent(s)/guardian(s) after the third unexcused absence in a designated semester course or after the fifth unexcused absence in an annual course, informing them that the final grade(s) for their child may be withheld, resulting in the loss of credit. A parent conference shall be requested to resolve the problem of unexcused absences

Upon the accumulation of five or more unexcused absences in a designated semester course or ten or more unexcused absences in an annual course, the parent(s)/guardian(s) are informed of the withholding of final passing grades and credit and advised of student or parent-initiated appeal procedures.

## 4. Absences Due to Suspension

A student who is placed on suspension is expected to make up all written assignments missed during the suspension period. Failure to do so will result in the student's being given the academic grade of "F" for those written assignments. A suspended student completing all written assignments missed during the suspension period shall not be subject to the withholding of passing final grades unless the student has, in addition to his/her suspension, attained five or more unexcused absences in a designated semester course or ten or more unexcused absences in an annual course. In addition to making up all written assignments, the student shall be held responsible for the material presented during his/her absence.

Under no circumstances are teachers required to make special provisions to comply with this procedure. The responsibility for securing written assignments missed during the suspension period will be the responsibility of the student.

## 5. Secondary School "NC" Grading Procedures

a. **Non-final grade reporting** - The teacher will record the number of all absences in the attendance field on the **Grade Reporting Form, FM-1838 Rev. (03-91)**, and the academic grade earned by the student.

   When a student has three or more unexcused absences in a designated semester course, or five or more unexcused absences in an annual course, a pound sign (#) appears beside the absences, and a pound sign (#) followed by an appropriate message is automatically printed on the bottom of the report card.

   The message is as follows:

   #2 - Credit may be withheld due to excessive absences, if those absences were unexcused.

b. **Final grade reporting** - When a student has five or more unexcused absences in a designated semester course or ten or more unexcused absences in an annual course, the teacher will record the number of all absences in the attendance field on the **Grade Reporting Form, FM-1838 Rev. (03-91)**, and the academic grade of "NC."

**Guideline #21: Attendance/Credit (continued)**

When a student has five or more unexcused absences in a designated semester course or ten or more unexcused absences in the annual course, and receives an "NC," a pound sign (#) appears beside the absences, and a pound sign (#), followed by an appropriate message, automatically prints on the bottom of the report card.

The message is as follows:

| | | |
|---|---|---|
| #4 - | Semester Courses (SC): | Credit will be withheld due to excessive unexcused absences. The student or parent(s)/guardian(s) must initiate an appeal to have credit awarded. |
| #4 - | Annual Courses (AC): | Credit will be withheld due to excessive unexcused absences. The student or parent(s)/guardian(s) must initiate an appeal to have credit awarded. |

No message appears for any course with fewer than five absences in a designated semester course or fewer than ten absences in an annual course.

The **Failure and Incomplete** list produced each grading period by the Office of Information Technology (OIT) will include students receiving "NC" grades in any of their classes.

Grades of "NC" in any class on a student's academic record are bypassed (not used) in the computation of the grade-point average; therefore, a student's ranking will not be affected by an "NC" grade(s).

"NC" grades may be changed by school personnel following the grading period, if the grade change is authorized, by using established procedures.

Grades that are not changed or appealed by the end of the semester or year following the recording of an "NC" shall become permanent grades.

## GUIDELINE #22: TEACHER-PARENT/GUARDIAN COMMUNICATION

### CURRENT LAW AND/OR PRACTICE

Teacher-parent/guardian conferences contribute greatly to improving the public school's relationship with its community. The Miami-Dade County School Board and the United Teachers of Dade (UTD) agree that improving a public school's relationship with its community and the public in general serves the best interests of students and citizens. Effective teacher-administration-parent/guardian communication aids in contributing to, and maintaining, the public's commitment to public education. The Miami-Dade County School Board recognizes its responsibility to facilitate teacher-parent/guardian communication through methods such as, but not limited to, provision of translators (including other teachers who can serve in this capacity) for non-English speaking parents/guardians, sufficient telephone lines, available extensions within teacher work areas, and released time for conferences, when necessary.

The Miami-Dade County School Board and the UTD encourage all teachers and parents/guardians to continue to engage in teacher-parent/guardian conferences for all students. Teachers are encouraged to establish positive communication with the parent(s)/guardian(s) before any students develop problems requiring intervention, and to maintain teacher-parent/guardian contact in particular when, in their professional judgment, such contact will enhance student performance. Teachers will make a reasonable effort to respond to parental requests for a parent conference in a timely manner. The principal of each school shall assist in arranging teacher-parent/guardian conferences.

When students are from homes where a language other than English is spoken, reasonable effort should be made to communicate with parent(s)/guardian(s) in a language they can understand.

The labor contract between Miami-Dade County Public Schools and the United Teachers of Dade (UTD) contains a provision in Article XX, Section 11, on the subject of Teacher-Parent/Guardian Communication.

This provision illustrates the importance that the Miami-Dade County School Board, management, and the Union attach to effective teacher-parent/guardian communication. The mutually agreed upon contract language urges that teacher-parent/guardian conferences take place when students are in need of academic strengthening and when it is determined that the student possesses unique academic potential.

**Guideline #22: Teacher-Parent/Guardian Communication (continued)**

The provision requires that teacher-parent/guardian conferences occur when students display a consistent pattern of disruption or demonstrate unacceptable academic achievement through failure to exert sufficient effort. It further requires that teachers afford the parent(s) or guardian(s) of every elementary school student an opportunity for a teacher-parent/guardian conference. (Board Rule 6Gx13- 1B-1.011.)

## PROCEDURES

Principals and teachers should make every effort to ensure that teacher-parent/guardian conferences are well-planned, fruitful experiences that adhere to the highest professional standards.

In order to provide consistency in implementing these provisions throughout the district, the following guidelines should be included in each school's faculty handbook and discussed thoroughly with members of the administrative and instructional staffs annually:

1. Teachers must log teacher-parent/guardian conferences in their official grade book and specify whether such contact was in person, by telephone, or through written correspondence. Teacher-parent/guardian conferences should be entered into the Student Case Management System (SCMS) when a follow-up is necessary.

2. Where required parent contact is not achieved, evidence of attempts to contact parent(s)/ guardian(s) should be recorded in the grade book and referred to designated administrative personnel for follow-up.

   Board Rule **6Gx13- 5B-1.04, Pupil Progression Plan,** permits the withholding of an academic grade pending a parent-teacher conference:

   > "At the discretion of the teacher, parent(s)/guardian(s) may be notified by a coded message on the student report card that a teacher-parent/guardian conference is requested. In addition, a teacher may issue an incomplete grade in place of the student's academic grade (which must still be reported to the principal) until such time as the parent(s)/guardian(s) responds to the request for the teacher-parent/guardian conference or until the student transfers or the course is completed. When a parent(s)/guardian(s) has failed to respond to a previous request for a conference, a principal may elect to withhold issuing a report card for one grading period pending a conference with the parent(s)/guardian(s)." (PPP, Part One, Section V, Grading and Reporting Student Progress K-12)

**Guideline #22: Teacher-Parent/Guardian Communication (continued)**

3. A copy of the Superintendent's directive on this subject must be provided to all administrators and teachers annually, prior to the opening of schools. (See Appendix, page A-47.)

Principals are expected to exclude from class, for a period not to exceed ten days, any student who has displayed a consistent pattern of disruption until a conference is held or until the principal determines that a conference cannot or need not be held.

Students who are excluded from class as a result of the above are entitled to all due process procedures as stipulated in Miami-Dade County School Board Rules **6Gx13- 5A-1.062, Suspension, Board-Approved Alternatives, Expulsion, and Referral to the Department of Children and Families and 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior,** dealing with indoor suspension. Additionally, the student shall be given the opportunity to maintain his/her class work.

## GUIDELINE #23: COUNSELING AND CONFIDENTIALITY[1]

**CURRENT LAW AND/OR PRACTICE**

Personnel must report to administrators a situation that may involve a violation of federal, state, or local laws and, further, the principal or designee shall involve the Miami-Dade Schools Police, and the parent(s)/guardian(s) of the student involved, if appropriate.

For your information and guidance, the following guidelines have been established by the Division of Student Services in regard to the confidentiality of shared information that pertains to violations of laws and situations of imminent danger:

### PROCEDURES

1. Counselees shall be informed through the individual school's student handbook of the conditions under which they may receive counseling assistance. The information provided to the students should identify the conditions stated in both this section and section 2 below. The counselor must report to the responsible school administrator situations that may involve a violation of federal, state, or local laws and, further, the principal or designee shall involve the Miami-Dade Schools Police Department, and the parent(s)/guardian(s) of the student involved, if appropriate. In addition, counselors should caution or remind the student of the confidentiality guideline during a counseling or advisement session if he/she starts to disclose information that falls into one of the specifically mentioned categories.

2. When the counselee's situation indicates that there is clear and imminent danger to self or others, such as a suicide threat, danger to others, or a threat of bodily harm, the counselor is to take direct, personal action and inform the responsible administrator. The parent(s)/ guardian(s) shall be informed, as well as the Miami-Dade Schools Police Department, if warranted. (Refer to Guideline #34 dealing with Suicide Prevention and Intervention, Guideline #4, Child Abuse Reporting, Guideline #35, Critical Incident Response and other appropriate guidelines.)

---

[1] This guideline also pertains to anyone acting in the role of advisor, intern, mentor, or peer counselor.

**Guideline #23: Counseling and Confidentiality (continued)**

3. When the counselee tells the counselor of a situation that involves another student and possible violation of federal, state, or local laws, the violation must be reported to the responsible school administrator who shall, if appropriate, inform the Miami-Dade Schools Police Department. The identity of the counselee should be protected as much as possible.

4. A student or family that requires services beyond the scope of those provided by student services personnel should be given information about services available in the community that can provide the assistance needed. Miami-Dade County School Board Rule 6Gx13- 1C-1.01, **Student/Family Services - Requests for Outside Providers**, should be reviewed for additional direction.

## GUIDELINE #24: CONTROVERSIAL PRESENTATIONS BY NON-SCHOOL AGENCIES

### CURRENT LAW AND/OR PRACTICE

Article IX, Section 6, Florida Constitution, provides that school funds may be used only for school purposes. Therefore, the school system cannot constitutionally lend its support to non-educational political activities; however, political clubs that serve a valid educational purpose, such as providing education in political science, could be constitutionally supported by the school system.

The schools may cooperate in furthering the work of any non-profit social service agency, provided such cooperation does not restrict or impair the educational programs of the school. The schools may, upon approval of the Superintendent of Schools, cooperate with an agency in promoting activities in the general public interest that are non-partisan, non-commercial, and non-sectarian, when such activities promote the educational or other best interests of the student.[1]

Students and faculties of the schools are to be protected from intrusion on their time by announcements, posters, bulletins, and communications of any kind from individuals and organizations not directly connected with the schools.[2] Exceptions may be made when, in the principal's judgment, the best interests of the students will be served.[3]

The distribution of outside materials and communications to the homes through students shall be kept to a minimum and confined to sources dedicated to the interests of boys and girls.[4]

Students have **four rights** to be recognized regarding the study of controversial issues in the public schools:

-- to study any controversial issue that has political, economic, or social significance about which students, at their level of maturity, should begin to have an opinion

-- to have meaningful access to all relevant information, including the materials which circulate freely in the community

---

[1]School Board Rule 6Gx13- 1A-1.13
[2]School Board Rule 6Gx13- 1A-1.09
[3]School Board Rule 6Gx13- 1A-1.09
[4]School Board Rules 6Gx13- 1A-1.16 and 1A-1.161

-- to study under competent instructional personnel in an atmosphere free from harassment, bias and prejudice

– to form and express their own opinions on controversial issues without jeopardizing their relations with their teachers or the school.[1]

## PROCEDURES

1. Appropriate classes should afford students the opportunity to present, discuss, and analyze different points of view.

2. Students attending controversial presentations by non-school agencies or speakers should be advised of their right to freedom of expression and should be encouraged to participate in an orderly fashion.

3. A **reasonable** attempt should be made by the school to see that alternative views are presented in a like manner.

4. Students not wishing to attend a controversial presentation should be given the opportunity to complete an alternative assignment.

5. The principal may designate a committee, consisting of staff members, students, and parents/guardians, to determine the educational relevance of proposed outside organizations on campus. If the committee finds that the activity would substantially interfere with the requirements of appropriate, orderly operation of the school, the burden of proof would fall upon the building administrator.

---

[1] School Board Rule 6Gx13- 6A-1.14

## GUIDELINE #25: STUDENT EXPRESSION

### CURRENT LAW AND PROCEDURES

A fundamental tenet of our democratic society is the constitutionally protected right of free speech and expression. In ensuring that the exercise thereof is free from arbitrary censorship, Miami-Dade County public school officials shall provide students effective avenues for the discussion of varying points of view and the expression of ideas, including those that may be controversial.

### PROCEDURES

**A. Rights and Responsibilities of Students**

**1. Formal Speech**

Students who have earned the right, either through competition or as class president or by rank in class, e.g., valedictorian, salutatorian, to deliver speeches at school functions, including graduation, will meet with the principal or a designee prior to the occasion to discuss their rights and responsibilities regarding free speech and expression, as follows:

a. The rights of students to prepare speeches on their own without undue restrictions or interference.

b. The process by which students may, if they so choose, obtain staff assistance in preparing their speech, e.g., research, writing, timing, and delivery.

c. An explanation and definition of speech that is not protected by law or the First Amendment, e.g., obscene as to minors; defamatory, including libel and slander; and materially and substantially disruptive of school activities.[1]

d. Information about the type of function, and the student's responsibilities to the audience and the occasion.

e. The right of student speakers, regardless of how they were selected, including by such competition as a speech-writing contest, to subsequently modify their presentation without staff approval or consent.

---

[1] Bethel School Dist. No. 403 v. Fraser, 106 S. Ct. 3159 (1986)

**Guideline #25: Student Expression (continued)**

f. A warning that students whose speech is determined to fall into one of the classifications, as stated above, that is not protected by law or the First Amendment, may, depending on the nature and specific circumstances, be required to conclude or modify their presentation.

**2. Debates and Classroom Discussions**

Students have the right to form and express their own opinions on controversial issues without jeopardizing their relations with the teacher or the school. (See Guideline #24 (Controversial Presentations by Non-School Agencies) for more information on this subject.)

**3. Newspapers, Yearbooks, Broadcasts**

See Guideline #27 (STUDENT PUBLICATIONS/MEDIA).

**4. Emblems/Symbols**

See Guideline #30 (SYMBOLIC EXPRESSION).

**B. Rights and Responsibilities of School Administrators**

School administrators will:

1. Inform students, parents/guardians and staff of this and other guidelines/rules regarding student self-expression.

2. Support the self-expression rights of students, and ensure that the staff members adhere to this and other guidelines/rules.

3. Consult with the School Board attorney when disagreements arise over the legality of student self-expression.

4. Not be subject to disciplinary action for adhering to this guideline.

**C. Rights and Responsibilities of Teachers**

Teachers will:

1. Support and encourage the self-expression rights of students.

2. Be accessible to students who may seek assistance.

3. Not be subject to disciplinary action for adhering to this guideline.

## GUIDELINE #26: NEWS MEDIA

### CURRENT LAW AND/OR PRACTICE

School Boards, under the First Amendment to the United States Constitution, cannot dictate regulations forbidding the free access of the press to information concerning school activities. However, the principal, as the administrative head of the school subject to the rules of the district School Board, is responsible for maintaining adequate discipline on the school premises to ensure the safety of all persons and property in the school. The principal may, therefore, develop procedures restricting the actions of news media personnel, if those actions interfere with the orderly educational process.

The principal is responsible for the preparation and distribution of official news releases concerning the activities within the building or on school property. Every attempt should be made to cooperate with the news media in providing factual information as it relates to the operation of the school program.

### PROCEDURES

1. All official news releases concerning the school system, except reports of athletic games and information concerning the operation of a particular school, should be cleared through the Public Information Officer in the Office of Superintendent of Schools.

2. The principal is responsible for the preparation and distribution of official news releases concerning activities within the building and, if they have district-wide significance, clearing such releases with the Public Information Officer in the Office of Superintendent of Schools.

3. A member of the staff, designated by the principal, should be assigned the responsibility for informing the news media, when appropriate, of newsworthy school activities. Faculty and staff should be informed that suggestions for such releases must be channeled through the principal or designee.

4. In the event of a disruption, accident, or crisis:

    a. All official statements to the news media shall come from the office of the principal or from the Public Information Officer in the Office of Superintendent of Schools.

**Guideline #26: News Media (continued)**

b. If the principal needs a staff member to assist in answering questions from reporters, the principal should ask that staff member to come to the principal's office.

c. The principal should not hesitate to restrict actions of news media if those actions interfere with control of a situation in the school. However, it should be recognized that the news media have a responsibility to report the news. Consequently, they need access to the principal or designee if they are to obtain factual information.

d. In the event of incidents of major or continuing news importance, the Public Information Officer in the Office of Superintendent of Schools should be notified. The Public Information Officer shall provide on-site assistance at his/her discretion.

e. The Public Information Officer in the Office of Superintendent of Schools shall assume the responsibility for working with the news media at a specified school site.

f. In times of crisis (e.g., hurricanes, civil disturbances), the Public Information Officer in the Office of Superintendent of Schools shall assume responsibility for communication with the general public (via the news media and other means), working in cooperation with appropriate staff, as well as liaisons from pertinent outside agencies (e.g., Miami-Dade County Office of Emergency Management, the American Red Cross, FEMA, municipal police departments). School-site personnel shall coordinate news-media relations with the Public Information Officer.

For more information, consult the Public Information Officer in the Office of Superintendent of Schools.

## GUIDELINE #27: STUDENT PUBLICATIONS/MEDIA

### CURRENT PRACTICES AND PROCEDURES

It is the policy of Miami-Dade County Public Schools that an unfettered student press is essential in establishing and maintaining an atmosphere of open discussion, intellectual exchange, and freedom of expression on campus.

It is, therefore, the policy of Miami-Dade County Public Schools that student journalists shall be afforded protection against censorship.

Such freedom does not extend to the three classifications of material that are prohibited by law or not protected by the First Amendment to the United States Constitution (see section D for legal definitions):

1. Obscene as to minors
2. Defamatory, including libel and slander
3. Materially and substantially disruptive of school activities[1]

### PROCEDURES

**A. School-sponsored Publications/Media**

1. **Students who work on official student publications will:**

   a. rewrite material, as required by the faculty advisors, in order to improve sentence structure, grammar, spelling, and punctuation;

   b. check and verify the accuracy of all facts and quotations;

   c. provide space in the same issue of the newspaper, when feasible, for rebuttal and opinions in case of news articles, editorials, or letters to the editor concerning controversial issues;

   d. determine the content of the student publication/media so as not to publish any defamatory material or material which is obscene as to minors or which would cause a substantial disruption of school activities. All other content is considered appropriate and shall not be censored; and

[1] Hazelwood School Dist. v. Kuhlmeier, 108 S. Ct. 562 (1988)

e. consult with legal resources, local and national, in any case where the legality of content is questioned, provided, however, that resolutions of disputes will rest with the advisor.

2. **Advisors to official school publications will:**

a. serve primarily as teachers whose chief responsibility is guiding students to an understanding of the nature, function, and ethics of a free press and of student publications, not acting as censors. Ensure that publications are free of any defamatory material or material which is obscene as to minors or which would cause a substantial disruption of school activities;

b. encourage the publication staff toward editing an intelligent publication that presents a complete and unbiased report and that reflects accurate reporting and editorial opinion based upon facts;

c. function as liaison between officials and students to ensure full communication of administrative guidelines to:

(1) students--advising of their right to print without censorship or prior administrator review

(2) school officials--advising that it is the duty of the institution to allow full and vigorous freedom of expression;

d. ensure that guidelines for new staff and operation of scholastic publications are developed in concert with the publication's current staff and furnished to administrators; and

e. consult with legal and/or other resources about the legality of content.

3. **School administrators will:**

a. communicate to the advisor and student editors any District guidelines that may affect student publications/media;

b. be aware of the most current court rulings as they relate to free expression;

c. support the First Amendment rights of students and the efforts of publication/media advisors to guarantee those rights in their daily work with publications/media; communicate to other members of the school community the rights of student journalists to question, inquire, and express themselves through student publications/ media;

d. exercise no prior review;

e. not terminate, transfer, or remove a person from his/her advisorship for failure to exercise editorial control over student publications/media or otherwise suppress the rights of free expression of student journalists; and

f. not impose academic disciplinary action upon students, except in cases involving violations of unprotected speech.

## B. Literature Not Sponsored by School

### 1. Publication

a. Students should have the right to publish on their own, to possess, and to distribute on school grounds printed material not sponsored by the school when it is consistent with distribution policies of the school and the content is such that it will not create disruption in the conduct of school activities.

b. Students publishing material not sponsored by the school may not use the school's name when soliciting advertisers. Those who do will be subject to disciplinary action by the school.

c. Students who publish such literature should be made aware of the legal responsibilities for libelous or obscene material.

### 2. Distribution

a. Each school should establish reasonable regulations regarding the time, place, and manner of distribution of all student publications.

b. Distribution should be conducted in a manner that does not interfere with the normal flow of traffic, both within the school and at exit doors.

c. Distribution should be conducted in a manner that prevents undue noise that interferes with normal classroom activities.

d. Students distributing literature should not interfere with the rights of others to accept or reject such literature.

e. Students who distribute material not sponsored by the school are responsible for the removal of litter created, or for the cost of having such litter removed.

f. There should be no other regulation of the distribution process except, as with other modes of expression, where such activity directly causes, or is clearly likely to cause, physical harm or the substantial and material disruption of the educational process.

## C. Bulletin Boards

1. Ample bulletin board space should be provided for use by students and student organizations, including an area for notices relating to out-of-school activities or matters of general interest to students.

2. Regulations should require that notices or other communications be dated before posting and that such material be removed after a prescribed, reasonable time to ensure full access to bulletin boards.

3. School authorities may restrict the use of certain bulletin boards to official school announcements.

## D. Definitions - Unprotected Speech

There are three classifications of speech that are prohibited by law or not protected by the First Amendment. Following publication, use of these types of speech may be subject to legal and/or official school action.

1. The **first** classification is material that is "obscene as to minors." **Obscene as to minors** is defined as follows:

   a. The average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to a minor's prurient interest.

b. The publication depicts or describes, in a patently offensive way, sexual conduct such as the ultimate sexual act (normal or perverted), masturbation, excretory functions, and lewd exhibition of genitalia.

c. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

d. "Minor" means any person under the age of eighteen.

2. The **second** classification is material which is defamatory. Defamation is the publication of a false unprivileged communication about an individual which injures that person's reputation in the community. If the publication is written, it is libelous. If it is spoken, it is slander.

   If the allegedly defamed individual is a "public figure" or "public official," as defined below, then school officials must show that the false statement was published "with actual malice," i.e., that the student journalists knew that the statement was false, or that the statement was published with reckless disregard for the truth or falsity, without trying to verify the truthfulness of the statement.

   a. A public official is a person who holds an elected or appointed public office.

   b. A public figure is a person who either seeks the public's attention or is well-known because of personal achievements.

   c. School employees are to be considered public officials or public figures in articles concerning their school-related activities.

   d. When an allegedly defamatory statement concerns a private individual, school officials must show that the false statement was published willingly or negligently, e.g., the student journalist failed to exercise the care that a reasonably prudent person would exercise.

   e. Under the "fair comment rule," a student is free to express an opinion on matters of public interest. Specifically, a student enjoys the privilege of criticizing the performance of teachers, administrators, school officials, and other school employees.

3. The **third** classification is **material that will cause "a material and substantial disruption of school activities."**

**Guideline #27: Student Publications/Media (continued)**

a. Disruption is defined as student rioting; unlawful seizures of property; destruction of property; widespread shouting or boisterous conduct; or substantial student participation in a school boycott, sit-in, stand-in, walk-out, or other related form of activity. Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited.

b. In order for a student publication/media to be considered disruptive, there must exist specific facts upon which it would be reasonable to predict that a clear and present likelihood of an immediate, substantial, material disruption of normal school activity would occur if the material were distributed. Mere undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able to present substantial facts which reasonably support a prediction of likely disruption.

c. In determining whether a student publication/media is disruptive, consideration must be given to the context of the distribution as well as the content of the material. In this regard, consideration should be given to past experience in the school with similar material, past experience in the school in dealing with and supervising the students, current events influencing student attitudes and behavior, and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question.

d. School personnel must act to protect the safety of advocates of unpopular viewpoints.

## GUIDELINE #28: STUDENT THEATRICAL PERFORMANCES

### CURRENT PRACTICES AND PROCEDURES

The Miami-Dade County School Board recognizes student theatrical performances to be essential to the establishment and maintenance of an atmosphere on campus that fosters open discussion, intellectual, cultural, and artistic exchanges, and freedom of expression.

It is, therefore, the policy of Miami-Dade County Public Schools that theatre arts students shall be afforded protection against censorship.

Such freedom does not extend to the following four classifications of materials that are considered unprotected speech because they are prohibited by law or not protected by the First Amendment to the United States Constitution (see section B for legal definitions):

1. Obscene as to minors;
2. Defamatory, including libel and/or slander,
3. Materially and substantially disruptive of school activities, and[1]
4. Infringes on "separation of church and state".

### PROCEDURES

**A. School/District-Sponsored Performances and/or Productions**

1. Students who work on official student performances and/or productions, i.e., those sponsored by the school or district, will:

   a. determine that the content of the student performance and/or production does not fall within any of the categories of unprotected speech, as set forth in section B. All other content is considered appropriate and shall not be censored;

[1] Hazelwood School Dist v. Kuhlmeier, 108 S.Ct. 562 (1988)

**Guideline #28: Student Theatrical Performances (continued)**

b. have the right to form and express their own opinions on controversial issues without jeopardizing their relations with the teachers, advisors or administrators, provided, however, that their expression does not fall within any of the categories of unprotected speech, as set forth in section B; and

c. consult with legal resources, local and national, in any case where the legality of content is questioned, with the understanding that final resolution of disputes will rest with the teacher or advisor.

2. Theatre arts teachers and/or advisors to official student performances and/or productions will:

a. guide students to an understanding of the nature, function, and ethics of free artistic expression;

b. nurture among students a realization and vision that encompasses intelligent choices, a focused and unified production, and a central concept based on cultural, artistic, and educational growth;

c. function as liaisons between staff and students to ensure full communication of administrative guidelines by:

(1) advising students of their right to perform without censorship or prior administrative review with the understanding that their expression shall not fall within any of the areas of unprotected speech, as set forth in section B;

(2) advising school officials that it is the duty of the institution to allow full and vigorous freedom of expression, with the understanding that students will not present material that falls within any of the areas of unprotected speech; and

(3) consulting with students, staff, and legal resources on questions regarding the legality of content before making any final determinations.

d. be accessible to students who may seek assistance;

e. not act as censors, except where performances and/or productions contain material that falls within the areas of unprotected speech, as set forth in section B; and

f. ensure that theatrical productions are grade level appropriate.

3. School administrators will:

   a. communicate to the theatre arts teacher and/or advisor and theatre arts students any district guidelines that may affect student performances and/or productions;

   b. be aware of the most current court rulings as they relate to free speech;

   c. support the First Amendment rights of students and the efforts of theatre arts teachers and/or advisors to guarantee those rights in their daily work with performances and/or productions;

   d. communicate to other members of the school community the rights of theatre arts students to examine, explore, and express themselves through student performances and/or productions;

   e. exercise no prior review;

   f. not terminate, transfer, or remove a person from his/her theatre arts teaching position or advisorship for failure to exercise content control over student performances and/or productions or otherwise suppress the rights of free expression of theatre arts students, except in cases involving the endorsement of material whose content falls within the areas of unprotected speech, as set forth in section B; and

   g. not impose academic disciplinary action upon theatre arts students, except in cases involving material whose content violates the principles set forth in section B.

## B. Definitions - Unprotected Speech

The following are the three classifications of speech that are prohibited, or not protected, by the First Amendment. Use of the following during a performance and/or production, may subject the user to legal and/or official school action:

1. Material that has content that is "obscene as to minors." "Minor" includes any person under the age of eighteen. "Obscene as to minors" is defined as follows:

   a. where the average person, applying contemporary community standards, would find that the performance and/or production, taken as a whole, appeals to a minor's prurient interest;

b. where the performance and/or production depicts or describes, in a patently offensive way, sexual conduct such as actual or simulated sexual intercourse (normal or deviate), masturbation, excretory functions, and actual lewd exhibition of genitalia; and

c. where the performance and/or production, taken as a whole, lacks serious literary, artistic, political, or scientific value.

2. Material that has content that is "defamatory." "Defamation" is defined as the depiction of a false unprivileged communication about an individual which injures that person's reputation in the community or good name. If the depiction is written, it is libelous. If it is spoken, it is slander.

a. If the false depiction is about a "public figure" or "public official," as defined below, then, in order to constitute defamation, the false depiction must have been presented "with actual malice," i.e., that the theatre arts student knew that the depiction was false, or that the depiction was presented with reckless disregard for the truth without trying to verify the truthfulness of the presented depiction.

(1) A public official is a person who holds an elected or appointed public office.

(2) A public figure includes the following persons: one who has general fame and notoriety in the community; one who has voluntarily injected himself or herself into a public controversy in order to influence the resolution of the issues involved; and one who is an involuntary public figure and who is directly affected by the actions of the other public officials.

(3) School employees are to be considered public officials or public figures in depictions concerning their school-related activities.

b. If the false depiction concerns a private individual, then, in order to constitute defamation, the false depiction must have been presented willingly or negligently, i.e., the theatre arts students failed to exercise the care that a reasonably prudent person would exercise regarding the truth of the depiction.

c. Notwithstanding the preceding, under "the fair comment rule," a student is free to express an opinion on matters of public interest and the student enjoys the privilege of criticizing the performance of school employees, provided the comment is free from actual malice.

3. Material that has content that will cause "a material and substantial disruption of school activities."

   a. Disruption is defined as: student rioting; unlawful seizures of property; destruction of property; widespread shouting or boisterous conduct; or substantial student participation in a school boycott; sit-in; stand-in; walkout; or other related form of activity. Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited.

   b. In order for a student performance and/or production to be considered disruptive, there must exist specific facts upon which it would be reasonable to predict that a clear and present likelihood of an immediate, substantial, material disruption of normal school activity would occur if the production and/or performance were presented. Undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression.

   c. In determining whether a student performance and/or production is disruptive, consideration must be given to the context of the presentation as well as the content of the material. In this regard, consideration should be given to the past experiences of the school in dealing with:

      (1) similar material;
      (2) supervising the students;
      (3) current events that influence student attitudes and behavior; and
      (4) instances of actual or threatened disruption prior to or contemporaneously with the presentation of the student performance and/or publication in question.

   d. School personnel must act to protect the safety of advocates of unpopular viewpoints.

4. Material that infringes on "separation of church and state." The First Amendment to the United States Constitution, which guarantees freedom of speech and expression, also contains the following clause: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." Under the doctrine of separation of church and state, certain religious activities, such as proselytizing, have been held to be unconstitutional if conducted within the context of a school-sponsored activity.

## GUIDELINE #29: STUDENT DANCE PERFORMANCES AND/OR PRODUCTIONS

### CURRENT PRACTICES AND PROCEDURES

The Miami-Dade County School Board recognizes that high school cheerleading, dance squads/drill teams, band performances, school related dance competitions, and cultural performances (formal dance, popular social dance, or recreational dance) presented at school-sponsored athletic events, on a stage, at student dance performances and/or productions, or any educational setting are essential to the establishment and maintenance of an atmosphere that fosters cultural and artistic exchanges.

However, the Miami-Dade County School Board also recognizes that certain modes of dance are inappropriate, unsuited for immature audiences, and may offend the community's sense of propriety, rather than foster appropriate conduct that is consistent with Miami-Dade County School Board Rules and State statutes.

It is, therefore, the policy of Miami-Dade County Public Schools that the following three classifications of dance performances and/or productions, which are performed at school-sponsored athletic events, on a stage, or any educational setting, are prohibited:

1. material which is obscene as to minors
2. material which is materially and substantially disruptive of school activities
3. material which infringes on "separation of church and state"

### PROCEDURES

**A. School/District-Sponsored Performances and/or Productions**

1. A student who works on an official student dance performance and/or production, i.e., those sponsored by the school or district, shall:

   a. consult with his/her dance teacher, cheerleader sponsor, band director, drill team and dance squad advisor to determine that the content/context of the dance performance and/or production does not fall within any of the categories set forth in section B. All other content/context is considered appropriate

**Guideline #29: Student Dance Performances and/or Productions (continued)**

b. have the right to create and manipulate movements in dance performances and/or productions, without jeopardizing his/her relations with the teacher, sponsor, director and/or advisor, provided, however, that the performance and/or production does not fall within any of the categories set forth in section B; and

c. consult with professional, school-site, local and national resources in any case where the legality of content/context is questioned, with the understanding that final resolution of disputes will rest with the teacher or advisor.

2. A dance teacher, cheerleader sponsor, band director, drill team and dance squad advisor to an official student dance performance and/or production shall:

a. guide his/her students to an understanding of the nature, function, and ethics of artistic expression, which include teaching the elements of composition and movement necessary for dance making;

b. guide his/her students to structure movements in ways that are meaningful, in good form, and audience appropriate;

c. nurture among his/her students a realization and vision that encompasses intelligent choices, a focused and unified production, and a central concept based on cultural, artistic, and educational growth; and

d. function as liaison between staff and students to ensure full communication of administrative guidelines by:

(1) advising students of their right to perform with the understanding that their dance performance and/or production shall not fall within any of the categories set forth in section B;

(2) advising school officials that it is the duty of the institution to allow dance performances and/or productions with the understanding that students will not present material that falls within any of the categories set forth in section B; and

(3) consulting with students, staff, and legal resources on questions regarding the legality of content/context before making any final determinations.

e. be accessible to students who may seek assistance; and

f. not act as a censor, except where a dance performance and/or production contains material that falls within the categories set forth in section B.

3. A school administrator shall:

a. communicate to the dance teacher, cheerleader sponsor, band director, drill team and dance squad advisor any district guidelines that may affect student dance performances and/or productions;

b. be aware of the most current court rulings and Miami-Dade County School Board polices as they relate to inappropriate student dance performances and/or productions in Miami-Dade County Public Schools;

c. monitor the dance teacher, cheerleader sponsor, band director, drill team and dance squad advisor to ensure that he/she exercises appropriate judgment by not endorsing dance performances and/or productions that fall within the categories set forth in section B;

d. support the First Amendment rights of students and the efforts of the dance teacher, cheerleader sponsor, band director, drill team and dance squad advisor to guarantee those rights in their daily work with dance performances and/or productions;

e. communicate to other members of the school community the rights of students to examine, explore, and express themselves through dance performances and/or productions; and

f. impose formal disciplinary action, in accordance with Group I Violation of the Code of Student Conduct, upon students in cases involving material whose content/context violates the principles set forth in section B.

## B. Definitions - Unprotected Speech

For the purpose of this guideline, the following three classifications of dance performances and/or productions that are performed at school-sponsored activities, which include, but are not limited to, athletic events, on a stage, or any educational setting, are prohibited. Use of the following material by a student during a Miami-Dade County public school-sponsored activity may subject the student to formal disciplinary action:

**Guideline #29: Student Dance Performances and/or Productions (continued)**

1. Material that has content that is "obscene as to minors." "Minor" includes any person under the age of eighteen. "Obscene as to minors" is defined as follows:

   a. where the average person, applying contemporary community standards, would find that the dance performance and/or production, taken as a whole, appeals to a minor's prurient interest

   b. where the dance performance and/or production depicts or describes, in a patently offensive way, sexual conduct such as actual or simulated sexual intercourse (normal or deviate), masturbation, excretory functions, and actual lewd exhibition of genitalia

   c. where the dance performance and/or production, taken as a whole, lacks serious literary, artistic, political, or scientific value

   d. in determining whether dance performances and/or productions can be characterized as obscene, considerations should be given to the following:

      1. the idea of the dance performance and/or production

      2. the style of the dance performance and/or production

      3. the student's use of the three basic elements of movement: time, space, and energy

2. Material that has content that will cause "a material and substantial disruption of school activities."

   a. disruption is defined as: student rioting; unlawful seizures of property; destruction of property; widespread shouting or boisterous conduct; or substantial student participation in a school boycott; sit-in; stand-in; walk-out; or other related form of activity. Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited

   b. in order for a student dance performance and/or production to be considered disruptive, there must exist specific facts upon which it would be reasonable to predict that a clear and present likelihood of an immediate, substantial, material disruption of normal school activity would occur if the production and/or performance were presented

c. in determining whether a student dance performance and/or production is disruptive, consideration must be given to the content of the presentation as well as the context of the material. In this regard, consideration should be given to past experiences of the school in dealing with:

(1) similar dance performances and/or productions;

(2) supervising the students;

(3) current events that influence student attitudes and behavior; and

(4) instances of actual or threatened disruption prior to or contemporaneously with the presentation of the student dance performance and/or production in question.

3. Material that infringes on "separation of church and state." The First Amendment to the United States Constitution, which guarantees freedom of speech and expression, also contains the following clause: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...." Under the doctrine of separation of church and state, certain religious activities, such as proselytizing, have been held to be unconstitutional if conducted within the context of a school-sponsored activity.

## GUIDELINE #30: SYMBOLIC EXPRESSION

### CURRENT LAW AND/OR PRACTICE

Students may express themselves through symbols of ethnic, cultural, or political views such as buttons, badges, emblems, or armbands, or through mode of dress or grooming. However, such expressions are not to infringe upon the rights of others and are not to be illegal or profane.

In curtailing symbolic expressions, the burden of proof falls upon the building administrator to show clearly that the exercise of the prohibited activity would materially and substantially interfere with the requirements of appropriate discipline in the operation of the school.[1]

### PROCEDURES

1. In instances where the principal determines that the display by a student(s) of a particular symbol is disruptive to the operation of the school program, the initial contact should be made with the student(s) involved.

2. If many students are involved, the leadership of the group should be identified and quietly asked to confer with the principal. The rest of the group, who may remain outside the principal's office while the conference is in progress, should be supervised by designated members of the staff and encouraged to return to class.

   **NOTE:** The school should be represented by someone who can establish rapport with the students involved. Adult authority should be kept at a minimum in order to refrain from jeopardizing the interaction between school personnel and group representatives.

3. Explore the purpose of the symbol and the objective of its user(s).

4. Explain the administration's concern and the applicable law. Propose alternative methods by which the person's or group's objectives may be satisfied in whole or in part. Solicit voluntary cooperation.

---

[1] Tinker v. Des Moines Independent Community School District, 89 S. Ct. 733 (1969)

**Guideline #30: Symbolic Expression (continued)**

5. The principal or designee has the authority, in cases of continued use of symbolic expression that is disruptive to the organization or activities of the school, to confine the student(s) to a specific location in order to diminish the disruptive effect until such time as the confrontation is resolved.

6. In cases where continued use of symbolic expression by the same student(s), who have already been counseled, disrupts the orderly process of the school, suspension or other alternatives, such as the School Center for Special Instruction (SCSI), should be considered.

7. In the event initial procedures fail, additional actions may involve:

   a. parent(s)/guardian(s) contact
   b. student council
   c. Educational Excellence School Advisory Council
   d PTA/PTSA/PTO
   e region office personnel
   f other disciplinary action

## GUIDELINE #31: STUDENT DRESS

### CURRENT LAW AND/OR PRACTICE

Restrictions of student dress and appearance do not violate the student's constitutional rights and are permissible if not unreasonable or arbitrary in nature, and if reasonably related to a legitimate objective of the school. In cases of challenge, "the burden is not upon the State to establish a rationality of its restriction, but is upon the challenger to show that the restriction is wholly arbitrary."[1]

Dress and appearance of the students are primarily the responsibility of the parent(s)/guardian(s). **However, the school district has the authority under state law to make and enforce any reasonable rules that govern the conduct of students and are intended to accomplish a legitimate objective of the school.**[2]

Many cases have been decided on procedural or technical grounds, e.g., failure to provide due process rather than on the merits of the case itself. However, a number of decisions rendered by the Courts, both for and against School Boards, take the position that the style of one's hair and the manner of one's dress are a form of speech or expression and, as such, are constitutionally protected by the First and Fourteenth Amendments to the United States Constitution. Hair styles and manners of dress that are akin to pure speech because they reflect the particular student's opinions and/or beliefs should not be prohibited unless they disrupt the educational process.

### PROCEDURES

1. At the beginning of each school year, students should be clearly informed in writing, and in a language they understand, of the Miami-Dade County School Board-approved dress code in effect in the school. A school dress code may not exceed the requirements of the District dress code[3] unless the school dress code has been approved by the Region Superintendent and adopted by the Miami-Dade County School Board.

---

[1]Ferrara v. Hendry County School Bd., 362 So 2d 371 (Fla. 2 DCA 1978)
[2]Section 230.23005 (1) (b), F.S.
[3]School Board Rule 6Gx13- 5C-1.031

**Guideline #31: Student Dress (continued)**

2. Teachers may make a preliminary determination of whether a student may be in violation of the dress code. However, it shall be the responsibility of the principal to rule on the violation if the alleged violation is to result in administrative action.

3. Prior to the taking of any administrative action as a result of an alleged violation of the dress code, the student should be given an opportunity to correct the alleged violation. If the student fails to comply with the dress code, reasonable efforts should be made to conduct a parent conference.

4. If the violation of the dress code is of such a nature that it seriously impairs the orderly conduct of the educational process, the student may be suspended in accordance with Miami-Dade County School Board Rules, or, as an alternative, assigned to the School Center for Special Instruction (SCSI) or comparable programs.

5. Schools shall be eligible to participate in a mandatory uniform program, if the following conditions are met:

   a. At least 50 percent plus one (1) of the parent(s)/guardian(s) in that school who vote, vote in favor of establishing such a program. Vote(s) shall be taken at all schools during the Spring of each year, on a specific date(s) determined and advertised by the Superintendent, to be effective the following school year.

   b. The school establishes a uniform committee that adequately represents all segments of the school community and follows guidelines promulgated by the Superintendent for selection of uniforms.

   c. The school-selected uniforms comply in all respects with the other provisions of School Board Rule 6Gx13- 5C-1.031, Dress Code, concerning appropriate attire.

   d. The uniforms selected are not characterized as gender-specific.

   e. The school makes provisions for those students who, by reason of financial hardship, cannot comply with the mandatory uniform policy and notifies parent(s)/guardian(s) of these provisions.

## GUIDELINE #32: FLAG SALUTE AND PLEDGE

### CURRENT LAW AND/OR PRACTICE

In an historic 1943 decision, the U.S. Supreme Court ruled that:

> "The action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to the U.S. Constitution to reserve from all official control."[1]

The Court in that case, reasoned that compulsory flag salute and pledge required affirmation of a belief and an attitude of mind that violated the First Amendment of the Bill of Rights, which guards the individual's right to speak his/her own mind.

Each elementary and secondary school shall conduct the pledge of allegiance to the flag of the United States at the beginning of the day. The pledge is rendered while standing with the right hand over the heart.

The public school system is one of the major social institutions responsible for the transmission of a democratic heritage to present and future generations. In fulfilling that responsibility, each school, through its instructional programs and activities, will provide a knowledge of, and encourage respect for, the important national symbols.

### PROCEDURES

The pledge will be conducted at the beginning of each day in accordance with Florida Statutes.[2]

1. Determine, with faculty and parental participation, when and how the pledge should be implemented to bring about the primary objective of fostering patriotism and appreciation of freedom in the United States.

---

[1] West Virginia State Board of Education v. Barnette, 63 S.Ct. 1178, (1943)
[2] Section 233.0655 F.S.

**Guideline #32: Flag Salute and Pledge (continued)**

2. Inform all instructional staff members that:

   a. a student who, because of religion or other deep personal conviction, does not wish to participate in the pledge may refrain from participation;

   b. a student may not disrupt the proceedings without being subject to disciplinary action; and

   c. parent(s)/guardian(s) will be contacted, when possible, to inform them of their child's failure to participate in the pledge, and will be asked to provide a written request to excuse the student from reciting the pledge.

It should be noted that students cannot be compelled to leave the room if they indicate their desire not to participate in the pledge; nor can students be compelled to stand during the pledge. It may not be constitutionally permissible to require written parental excuses and, therefore, a student should not be punished for failure to provide a written parental excuse. Such students should be permitted to stand or sit quietly during the pledge, so long as they do not interfere with the educational process, or materially disrupt the pledge ceremony.

The right not to pledge must be conspicuously posted.

Section 233.0655, F.S. states that when the national anthem is played, students shall stand at attention.

## GUIDELINE #33: DROPOUT PREVENTION AND ACADEMIC INTERVENTION

### CURRENT LAW AND/OR PRACTICE

A dropout is a student who meets any one or more of the following criteria: (a) the student has voluntarily removed himself or herself form the school system before graduation for reasons that include, but are not limited to, marriage, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion; (b) the student has not met the relevant attendance requirements of the school district pursuant to Florida Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown; (c) the student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, home education, or alternative educational program; (d) the student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of Section 322.091, F.S., court action, expulsion, medical reasons, or pregnancy; or (e) the student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

### PROCEDURES

Increased efforts are being directed toward students who leave school before graduation. Such efforts begin when principals of both elementary and secondary schools receive, at the start of each academic year, a list of students identified as potential dropouts. The selection of these students is based upon the **Student Assistance Profile** and on recommendations from student services personnel, teachers and parent(s)/guardian(s) based upon eligibility criteria.

According to the Dropout Prevention and Academic Intervention Act (Section 230.2316, F.S.), a student is eligible for dropout prevention services if he or she meets one of the following criteria:

1. the student is academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics or writing;

2. the student has a pattern of excessive absenteeism or has been identified as a habitual truant; or

3. the student has a history of disruptive behavior or has committed an offense that warrants out-of-school-suspension or expulsion from school according to the district Codes of Student Conduct.

Ideally, no student leaves school prematurely; however, this happens. Therefore, procedures are necessary to help those who find themselves in this situation. Dropout prevention and academic intervention begin before and continue well beyond the time a student actually withdraws from school. Such procedures and activities include, but are not limited to, the following:

**1. Procedures to follow once a student has been identified as a potential dropout**

a. Assign school-based personnel, particularly counselors and career specialists, to work closely with identified students to provide special assistance and intervention. Include individual core-counseling activities and group counseling, along with regular student progress checks. A primary focus of career specialists should be to provide employability skills instruction and career-related experiences.

b. Communicate with parent(s)/guardian(s) of students meeting the **Student Assistance Profile** criteria, both in writing and by telephone, to inform them of the availability of supportive educational and counseling services at the school, region, and district levels. Specifically, those services which support their children's efforts to succeed in school, e.g., after school tutoring, individual and group counseling, job placement, should be communicated. Reasonable effort should be made to communicate with parent(s)/ guardian(s) in their primary language or in the language in which they feel comfortable. The mode of transmission should also be adjusted, where necessary, to promote comprehension, acceptance, and trust. (School Board Rule 6Gx13- 1B-1.011)

c. Schedule parent/guardian/student orientation services as well as periodic informational sessions and/or meetings. These meetings should increase parent(s)/guardian(s) awareness of available resources, responsibilities of personnel and the procedures for accessing the appropriate services for identified students. These include social service agencies and resource persons within Miami-Dade County Public Schools, e.g., social workers, United Way, Florida Department of Children and Families representatives, group and family counselors, and psychologists.

d. Involve parent(s)/guardian(s) and school personnel in creating a positive school climate for the wellness of all students. This approach is most promising in terms of helping students to be more successful, thereby increasing their desire to stay in school.

**Guideline #33: Dropout Prevention and Academic Intervention (continued)**

e. Give those students who are not academically successful or who meet the criteria of the **Student Assistance Profile** the opportunity to enter alternative programs tailored toward specific needs and interests.

f. Explore the feasibility of providing peer counseling services during an optional seventh period as a modified course offered to students at risk.

g. Utilize student services staff to provide individual and group advisement services to identified students at risk at each level.

h. Develop and implement a mentoring program whereby selected school personnel, community and business leaders, and other interested persons can serve as positive role models for identified students at risk. Such a program will enhance dropout prevention efforts in terms of building students' self-esteem, developing leadership skills, and responding more to students' needs in order to help them deal successfully with pressures and become productive members of society.

i. Develop and implement activities that will benefit both students and the school. Involve students at risk in school monitoring activities as leaders. Such activities might include the following:

   (1) energy management of school
   (2) student government
   (3) school beautification

j. Consider utilizing the homeroom period to provide various support services and activities such as:

   (1) individual and group advisement
   (2) tutorial support
   (3) conflict resolution
   (4) special clubs
   (5) non-violence/anger management

Note: Student participation in dropout prevention and academic intervention programs is voluntary[1].

---

[1] Section 230.2316(3)(a), F.S.

## 2. Procedures prior to actual withdrawal

a. When a student indicates an intention to withdraw from school, the registrar/clerk should refer the student to the career specialist and/or counselor for advisement and an exit interview which should be documented in the Student Case Management System. Immediately upon referral, the counselor and/or career specialist should make every effort to contact the parent(s)/guardian(s) to schedule a conference. No further action in terms of the student's status should be taken by the registrar/attendance clerk.

b. If a student is absent from school for ten or more days, the attendance clerk should report the finding to the career specialist or school social worker. The student should not be withdrawn until the entire withdrawal process is completed. The next step in the process involves making a strong attempt to discourage the student from dropping out, such as:

(1) meeting with parent(s)/guardian(s) concerning specific support services available for the student

(2) providing the student with alternatives to leaving school, e.g., schedule adjustments, work-related programs, special counseling, community services, financial assistance, part-time employment

(3) documenting the factors influencing the decision to drop out

(4) exploring alternatives to secondary school when the student is committed to withdrawing (including job placement and/or educational/vocational placement)

(5) explaining to the student that he/she is able to re-enter school at any time and that the preceding services would continue to be available until such time that the student graduates

The exit interview should be conducted by the career specialist before the withdrawal process is initiated, especially prior to the student's obtaining clearance by classroom teachers, the media specialist, and the treasurer. To do otherwise severely reduces the probability of effective intervention; if the student is still officially enrolled in school, there is a much greater possibility that individual problems can be resolved and educational or vocational alternatives explored.

**3. Students not attending school**

a. Schools wishing to withdraw a student for non-attendance must have documented in the Student Case Management System (SCMS) the specific efforts on the part of the school to correct the situation.

b. Students may not be involuntarily withdrawn from school unless the following due process procedures have been followed:

(1) they have received counseling, when possible

(2) parent(s)/guardian(s) have been sent written notification, in a language they understand, of the school's intent to withdraw the student

(3) a home visit has been made by student services personnel or appropriate designee

(4) if the student is under the age of eighteen, the student and parent are requested to sign a declaration of intent to terminate school enrollment, found in the Attendance Procedures Manual

(5) parent(s)/guardian(s) have been involved in a conference concerning the student.

**4. Procedures for re-entry and recruitment of dropout students**

Procedures that have been established include, but are not limited to:

a. sending an annual letter to parent(s)/guardian(s) of dropouts informing them of various educational options and requesting their support in terms of encouraging their children to return to school

b. conducting a summer telephone survey by a career specialist for students who dropped out of school during the year to alert them to educational/vocational services and opportunities, particularly within the school system

c. providing a specialist to assist dropout students to enter an appropriate vocational or educational program

d. providing a hotline telephone number to appear on television channels for dropout students, students at risk, and parents to call for information regarding re-entering school or staying in school

**Guideline #33: Dropout Prevention and Academic Intervention (continued)**

e. utilizing robot-callers to contact dropout students and invite them back to school

f. utilizing various businesses to provide public relations support to recruit dropout students

g. providing special weekend conferences for dropout students at various school sites

h. conducting an annual no-show recruitment activity to actively seek, assist, and re-enroll students who failed to report at the beginning of the school year.

Notwithstanding any other provision of law to the contrary, no student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program solely because the student is from a single-parent family.[1]

[1]Section 230.2316(3)(a), F.S.

## GUIDELINE #34: SUICIDE PREVENTION AND INTERVENTION

**CURRENT LAW AND/OR PRACTICE**

Section 229.591(3)(e), F.S., states that "Communities and schools provide an environment that is drug-free and protects students' health, safety, and civil rights." The M-DCPS Comprehensive Student Services Program suggests that as part of its responsive services, counseling and support be provided to students and/or families facing crisis situations.

For your information and guidance, the following guidelines have been established by the Division of Student Services, Department of Crisis Management, in regard to the prevention of and response to potential suicides in Miami-Dade County Public Schools.

### PROCEDURES

**1. Notify Parents/guardians Regarding Suicide Prevention and Intervention Program**

Parents/guardians should be informed that Miami-Dade County Public Schools has established suicide prevention and intervention guidelines and that there are trained school-based Critical Incident Response Teams, and counseling professionals who can assist their child in times of crisis. Additionally, parents/guardians should be made aware of the warning signs of suicide and of the need to notify the child's counselor if their child becomes depressed or suicidal at home. Reasonable effort should be made to communicate with parents in their primary language or in the language in which they feel comfortable. The mode of transmission should also be adjusted, where necessary, to promote comprehension, acceptance, and trust. (School Board Rule 6Gx13- 1B-1.011)

**2. Review Student Intervention Profile**

The Student Intervention Profile is a computer-generated report which is distributed to schools every nine weeks, by the Office of Information Technology. This profile is an indicator of a sudden or dramatic change in a student's performance, attendance, or behavior. Counselors should review the Student Intervention Profiles every nine weeks. The students should be counseled regarding a change in three or more of the elements monitored. Parents/guardians should also be notified of the change in their child's performance, attendance, and/or behavior.

## Guideline #34: Suicide Prevention and Intervention (continued)

### 3. Promote Awareness of the Warning Signs Associated with Suicidal Behavior

Student services counseling professionals should review with the administration, faculty, and staff the following and other warning signs for a potential suicide:

a. changes in eating or sleeping habits

b. increasing isolation from friends and family

c. tendency to become more active and aggressive than usual

d. lower academic achievement

e. giving away a valued possession or increased interest in getting his/her "life in order"

f. talking about or threatening suicide

g. sudden and intense interest in religious beliefs and the afterlife

h. recent loss, such as a divorce or death in the family, death of a role model or idol, a close friend dying or moving away, or a breakup of a romantic relationship

i. abusing drugs or alcohol

### 4. Refer Students Experiencing Emotional Stress

Any person, including, but not limited to, an administrator, a teacher, or any other staff member, who has reason to believe that a student is experiencing emotional stress should refer the student to his/her counselor. The counselor shall implement the procedures listed below:

a. counsel with the student to identify the problem and, if possible, resolve the problem or reduce the level of stress experienced

b. notify the parents, if the student is experiencing significant stress

c. consult with additional student services professionals, when deemed appropriate

d. meet with the counselee on a regularly scheduled basis to provide active support through follow-up counseling

e. provide group counseling to small groups of students who are experiencing stress

f. provide the family with a selection of community agencies/providers if mental health services are needed

**5. Respond to Student's Suicidal Threat**

When a student threatens to harm himself/herself, e.g., a suicide gesture, a suicide threat, or suicidal ideation, the following actions should be taken:

a. inform the appropriate administrator and a student services counseling professional of the threat

b. call 911 and the Miami-Dade Schools Police Department:305-757-2677 in a life-threatening emergency

c. provide and maintain constant professional supervision of the student until supervision is assumed by the police/fire department, the parents/guardians, or the emergency contact person

d. notify the parents/guardians immediately unless there is suspected or confirmed child abuse. If the parent(s)/guardian(s) cannot be contacted, appropriate authorities e.g., police, Florida Department of Children and Families, must be contacted

e. provide the student and his/her parent(s)/guardians with a list of community mental health agencies/providers, such as:

(1) Crisis Center
(2) Mental Health Clinic
(3) Hospital
(4) Family Physician

f. request that the parents/guardians sign a release-of-information form with the community agency or private therapist so that the school and the provider can work together to assist the student

g. notify the Miami-Dade County Public Schools, Department of Crisis Management: 305-995-2273, of **all** suicidal behavior

h. send the Suicide Prevention Sample Letter to Parents, if appropriate, as a follow-up to a conference with the parents (See Appendix, pages A-49 - A-51.)

i. input the appropriate student services codes into ISIS (i.e., RS, RI, RP)

**6. Respond to Student Suicide Attempt**

When a student has made an attempt to take his/her life on campus the following action should be taken:

a. assess injury or condition
b. apply emergency first aid/CPR, if appropriate
c. call 911 and the Miami-Dade Schools Police Department: 305-757-2677, if emergency medical services are required
d. secure and stabilize the site of the event
e. isolate victim from others
f. do not tamper with any evidence, or clean area, until police have completed their investigation
g. if weapon must be carried or relocated, wrap in heavy cloth and point down at all times
h. school counseling professional and/or other appropriate staff members should remain with the student until parent(s)/guardian(s) arrives at school or hospital
i. notify School Operations: 305-995-2913
j. notify the Region Office
k. notify Miami-Dade County Public Schools, Department of Crisis Management: 305-995-2273
l. locate any witnesses who may have information about the event
m. provide necessary information and cooperation to investigating authorities
n. provide counseling services for witnesses and other students/staff impacted by the event
o. conduct staff meeting to discuss event, if appropriate
p. provide recommendations to parent(s)/guardian(s) for future care of student
q. input the appropriate student services codes into ISIS (i.e., RS, RI, RP)

**7. Return of Student to School Following Suicide Attempt**

When the student returns to school following a suicide attempt, assign a counselor or other appropriate student services professional to take the following actions:

a. meet with the student prior to his or her return to school and offer support

b. provide the student with direct access to an appropriate staff member; the most likely person is the counselor, but if the student indicates a preference for a different staff member, this request should be considered

c. confer with only the staff members who will be responsible for the student during the school day to sensitize them to the student's need for support, and to familiarize them with appropriate ways to provide that support

d. ascertain if the student has received counseling services through a community agency or clinic

e. consult with the student's current therapist for guidance, if written parental permission has been obtained to do so to ensure the student's readjustment to the school environment

f. ensure that counseling services are available to the returning student

g. consult with other student services professionals to determine if additional psychological services should be provided

**8. Implement suicide completion response procedures following the suicide of a student or staff member. Refer to the M-DCPS Critical Incident Response Plan and the Crisis Management Resource Manual for further information on this topic.**

In the event that the suicide occurred on campus, the response procedures are as follows:

a. call 911 and the Miami-Dade Schools Police Department: 305-757-2677

b. maintain and model a sense of calm and control

c. assess situation

d. *mobilize school/work site Critical Incident Response Team

e. *notify School Operations: 305-995-2913

f. *notify Region Office

g. *notify the Public Information Officer: 305-995-1126

**Guideline #34: Suicide Prevention and Intervention (continued)**

h. *contact the Department of Crisis Management: 305-995-2273

i. secure/contain incident site and affected area, and/or commence building/campus evacuation procedure

j. do not tamper with any evidence, or clean area, until police have completed their investigation

k. prioritize student and staff safety

l. assign campus security liaison to meet and direct emergency personnel to incident site

m. obtain all relevant information regarding the incident, including those involved

n. accompany police officer to personally inform parent/guardian/spouse of the deceased student/staff member

o. *provide an opportunity for students and staff to process their reactions regarding the suicide. Students who are impacted by this incident should be given the opportunity to see a school counseling professional

p. *discourage any "glorification" of a suicide; suicide death should not be announced over the public address system nor are school-sponsored memorial activities recommended

q. *convene faculty and staff at the end of the day to review the day's events and make additional plans

r. *maintain ongoing contact with students, parent(s)/guardian(s), and staff, as necessary

For a suicide occurring off campus, the response procedures are as follows:

a. confirm that the incident has occurred

b. designate staff to respond to incident site and/or hospital, if deemed appropriate

c. make a home visit to offer condolences

d. follow indicated procedures (*) for suicide occurring on campus

## GUIDELINE #35: CRITICAL INCIDENT RESPONSE

### CURRENT LAW AND/OR PRACTICE

Section 235.14, Florida Statutes, paragraph (f), requires district school boards to formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to: fires, natural disasters, and bomb threats; requires district school boards to establish model emergency management and emergency preparedness procedures for the following life-threatening emergencies: a) weapons and hostage situations, b) hazardous materials or toxic chemical spills, c) weather emergencies, and d) exposure as a result of a manmade emergency. School Board Rule 6Gx13- 5D-1.091, Student Services PK-Adult, provides in the document **Comprehensive Student Services Program, PK-Adult**, for crisis intervention in the event of a death, suicide, homicide, or illness which impacts the school community.

Each school must have a Critical Incident Response Team composed of an administrator, cafeteria manager, clerical staff member, counseling professional, custodian, media specialist, Miami-Dade Schools Police Department officer, parent/guardian, physical education teacher, security monitor, and any other school personnel that the school considers essential in assisting the students and staff in times of crisis.

This team will utilize the M-DCPS Critical Incident Response Plan in responding to the death/injury of a M-DCPS student or staff member due to an accident, suicide, illness, or other critical incident which impacts the school community.

## GUIDELINE #36: RELEASE FROM SCHOOL

### CURRENT LAW AND/OR PRACTICE

Only parent(s)/legal guardian(s) or persons identified on Authorization for Release of Student from School section of the Student Data Card (FM 2733E Rev. (03-95) are authorized to remove a student from school during the school day.

### PROCEDURES

1. The Authorization for Release of Student from School section of the Student Data Card must contain the name of any person(s) who are authorized to pick up the student during the school day. Parent(s)/guardian(s), as identified on the front side of the Student Data Card, must sign this authorization.

2. In instances where parents are divorced or separated, the action of the school will be governed by information on the Authorization for Release of Student from School section of the Student Data Card. Schools will look to the parent(s)/guardian(s) with whom the child is living to make the designations on the card.

3. The Authorization for Release of Student from School section of the Student Data Card must be updated at any time during the school year when parent(s)/guardian(s) notify a school of additional or new information.

4. The school administrator or designee (preferably assistant principal or counselor) must be the responsible person in the school to release a student during the school day. This person must review the Authorization for Release of Student from School section of the Student Data Card to ensure that the person requesting the student is authorized to remove the student. Under no conditions should students working in school offices release other students. Students should only be released from the office.

5. Only individuals listed on the Authorization for Release of Student from School section of the Student Data Card are allowed to take students from school during the school day and the identification of the individual should be obtained through the following:

   a. driver's license or other identification card (photo ID preferred), or identified by student being picked up if photo ID is not presented

   b. known to school personnel or identified by the student being picked up

**Guideline #36: Release from School (continued)**

6. Individuals who do not possess the identification information listed above and are authorized to pick up children from elementary school should have a signed note from the parent(s)/guardian(s) or a phone call should be made to the parent(s)/guardian(s) for identification purposes.

7. If a person whose name is not on the Authorization for Release of Student from School section of the Student Data Card as authorized to pick up the student appears at the school to seek the release of a student, no release shall be permitted until a contact is made with the parent(s)/guardian(s). If no contact can be made, no release shall be authorized. This applies to any individual regardless of the relationship to the student.

8. The person authorized to release a student from school must have the person requesting release of the student sign an excused early sign-out sheet or similar document.

9. Please refer to Guideline #3: Law Enforcement Officers on Campus, in this document, concerning release of students to law enforcement officers or Department of Children and Families personnel.

## GUIDELINE #37: HARASSMENT

| CURRENT LAW AND/OR PRACTICE |
| --- |
| Students have the right to expect that they will not be subjected to harassment, and have the responsibility to refrain from harassment. Federal law, Florida Board of Education Rules 6A-19.008, and 6B-1.006, and Miami-Dade County School Board Rule 6Gx13- 5D-1.10 prohibit discrimination against and harassment of students (including student on student) and public education employees, on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability. It is the school system's policy to maintain educational and work environments free of harassment. |

Miami-Dade County Public Schools is committed to the creation and maintenance of a learning environment in which all individuals are treated with respect and dignity and provided with fair and equitable treatment with freedom from harassment. Hostile treatment, violence, and harassment, including sexual harassment against a student will not be tolerated on school grounds and/or during school-sponsored activities.

**Harassment includes:**

Any slurs, innuendos, or other verbal or physical conduct reflecting on an individual's gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability which has the purpose or effect of creating an intimidating, hostile, or offensive educational environment or effectively barring the victim's access to an educational opportunity or benefit.[1]

**Sexual Harassment includes:**

Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct effectively bars the victim's access to an educational opportunity or benefit, or creates an intimidating, hostile, or offensive school environment.

Sexual harassment, as defined above, may include but is not limited to the following:

1. verbal harassment or abuse;

[1] Davis v. Monroe County Bd. of Educ., 119 S. Ct. 1661 (1999)

2. pressure for sexual activity;
3. repeated remarks to a person with sexual or demeaning implications;
4. unwelcome or inappropriate touching; or
5. suggestions or demands for sexual involvement accompanied by implied or explicit threats or rewards.

## PROCEDURES

A student/parent/guardian who has a reasonable and good-faith belief that the student has been the subject of discrimination or harassment, shall communicate in writing the allegation(s) to the student's school principal or designee. If a school employee is made aware of a situation of possible harassment or discrimination, the employee must make the principal or his/her designee aware of the situation.

Upon receipt of the report, the principal or his/her designee will:

1. Conduct a meeting for the purpose of determining whether harassment has occurred. Parents/guardians or other adults may be present as a support for the accused and/or victim. If appropriate, the victim may be present. Incidents of harassment should be handled as individually and confidentially as possible.

2. If the principal or his/her designee determines that harassment, a violation of the Codes of Student Conduct, has taken place, the appropriate Student Case Management documentation should be initiated and one or more of the following actions may be taken:

**First Violation:**

1. Notification to parent(s)/guardian(s)

2. Mediation facilitated by a staff member, parent(s) or guardian(s). Mediation should only be used if the students involved agree to the mediation as a solution to the complaint and will abide by the decisions reached.

3. Participation by the offender in one session on the problems of harassment in modern society.

4. Extension of a verbal apology from the offender to the victim.

**Guideline #37: Harassment (continued)**

5. Any other appropriate actions that would follow Codes of Student Conduct guidelines. This may include suspension.

**Repeat Offense:**

1. Conduct parent/guardian conference.

2. Participation by the offender in a series of sessions focusing on ending the harassing behavior.

3. Extension of a verbal and written apology by the offender to the victim.

4. Any other appropriate actions that would follow Codes of Student Conduct guidelines. This may include suspension.

If during the investigation of the complaint of harassment, it becomes evident that other violations of the Codes of Student Conduct and/or the law have occurred, the appropriate actions for addressing those violations should be taken.

Teachers and other staff members have an affirmative duty to report known, alleged, or suspected incidents of harassment, whether by staff members or students, to the principal or other official with authority to institute corrective measures. **Under no circumstances is a principal or other staff member to remain idle in the face of known, alleged, or suspected harassment.** Principals and other staff members shall take all necessary and reasonable steps to investigate incidents of sexual harassment, to ensure that remedial steps are taken so as to protect the victim(s) of the harassment, and to correct the situation.

Situations involving harassing behavior may be resolved by the students themselves in mediation. Students should be informed of the process for requesting mediation, by teachers, counselors, and administrators. It is important that both parties be willing to accept the conditions of mediation.

A student accused of harassment will have a hearing with the assistant principal or his/her designee for the purpose of deciding whether harassment has occurred. When reviewing alleged incidents of harassment, the principal or his/her designee shall consider factors such as the ages of the alleged victim(s) and harasser(s), the relationship between the parties involved, and the number of persons involved in the alleged incident. Advocates for the accused and the victim should be present. The advocates should be adults in the system familiar with the issues of harassment. If appropriate, the victim may also be present. Incidents involving sexual harassment should be handled as individually and confidentially as possible. Principals and other staff members shall consult legal and

administrative resources if there is any doubt as to the correct method of proceeding or whether an alleged incident constitutes harassment. If a student is unable to resolve a complaint of harassment at the school level, he/she may file a formal complaint with the School Board's Equal Educational and Employment Opportunity (EEEO) office.

Students should be made aware of procedures found in Miami-Dade County School Board Rule 6Gx13- 5D-1.10 which are to be followed if they feel harassed by an adult employed by Miami-Dade County Public Schools, or by a fellow student.

The Codes of Student Conduct, Miami-Dade County School Board Rule 6Gx13- 5D-1.08, as required by Section 230.23(6)(d) 8, F.S., indicate that when a student violates the Miami-Dade County School Board's sexual harassment policy, the principal or authorized official shall have the authority to suspend (either in or out-of-school) or expel the student, or to take any other disciplinary action deemed necessary. The student may also be subject to criminal penalties.

The student/parent filing the complaint should be made aware of the actions taken to resolve the issue. If the student/parent filing the complaint does not agree with the actions taken to resolve the issue, the student/parent may appeal to the next administrative level, i.e., Region Director/Region Superintendent. If the complaint is not resolved at that level, a complaint may be filed with the School Board's EEEO office.

If a student/parent does not feel comfortable discussing his/her complaint at the school or region level, the student/parent may file the complaint directly with the School Board's EEEO office.

## GUIDELINE #38: USE OF SURVEILLANCE SYSTEMS

### CURRENT LAW AND/OR PRACTICE

The reasonable use of surveillance systems as a tool for school system officials to promote and maintain a safe learning environment has not been found to be a violation of Fourth Amendment rights or Florida law. Such devices, when used according to prudent guidelines, can be effective and legitimate adjuncts to other school security measures.

Miami-Dade County Public Schools recognizes its responsibility to establish an environment in schools which promotes learning. Disruptions to this environment, such as vandalism, fighting, use of weapons, drug use, or other unwarranted activities, interfere with the right to obtain an education. The judicious use of surveillance systems can assist school officials in the maintenance of an orderly environment. The purpose of this Guideline is to set forth procedures that are designed to protect students, school employees, and school facilities, while providing appropriate respect for individual privacy rights.

### PROCEDURES

**1. Establishing the Need for a Surveillance System**

Before the purchase of a surveillance system for a school or other educational facility, the site administrator, along with the Region Office or corresponding district office, must establish the need for such a system through an on-site security review. The review should include an analysis of the physical site, number of incidents at the site, building activities, and existing security provisions.

A surveillance system must be considered as part of the overall security plan required in Guideline #1 and not as an isolated security measure. Consideration should be given to involving parent(s)/guardian(s) and students in the planning process prior to making a decision to install the devices.

**2. Placement of Surveillance Devices**

Surveillance devices should be installed in common, high visibility areas of school buildings. The utilization of portable surveillance devices may also be consistent with the buildings' overall security plan. Under no circumstances are electronic surveillance devices, whether installed or portable, to be used in restrooms, locker rooms, or other similar locations where individuals have an increased expectation of privacy.

a. **Existing Sites.** If the initial security review indicates that a surveillance system has the potential to improve the safety of the building or its occupants, a walk-through of the site (preferably after normal school hours) should be conducted by the site administrator, a representative from Facilities Planning and Construction (FPC), an AV Technician, and other persons familiar with the school plant and school operations, e.g., UTD Steward, faculty cadre chairperson and parent(s)/ guardian(s). Using a Surveillance System Site Plan form, which may be obtained from the Office of Procurement and Materials Management, the most appropriate locations for the cameras or other electronic surveillance devices should be identified.

Appropriate locations for the surveillance devices include, but are not limited to, main offices, entrances or exits, receiving or service areas, physical education playing fields, interior halls and stairwells, bus pick-up or drop-off areas, parking lots, exterior hallways or breezeways, courtyards or "spill-out" areas, driver education areas, cafeteria or dining areas, and rooms where extensive equipment is stored.

b. **Sites under construction.** In buildings under construction, Miami-Dade County Public Schools Master Specification Guidelines for Surveillance Systems will be followed, if it is determined with the Miami-Dade Schools Police Department that electronic surveillance is needed as part of the site's comprehensive security program.

## 3. Types of Surveillance Equipment

The Office of Procurement and Materials Management will develop and maintain a Surveillance System Equipment List that details equipment approved for purchase with school system funds.

When developing a surveillance system plan, the site administrator should identify potential funding sources and then develop a budget using only approved equipment from this list.

4. **Notification of Surveillance**

Signs must be posted in all facilities that employ surveillance devices. Parent(s)/ guardian(s) should also be notified when schools install surveillance systems.

5. **Monitoring of Surveillance Devices**

Surveillance devices may be used to monitor activity as it occurs, or in conjunction with audio or video tape, which can be reviewed after activities have taken place.

Only appropriately-trained personnel are to utilize and monitor the surveillance system. Students must not be assigned to monitor the devices or to routinely review the tapes.

6. **Use of Tapes from Surveillance Devices**

Tapes are to be used only for the purpose of creating a safer, more orderly environment and never to evaluate staff members or to secretly record conferences or telephone calls. The Miami-Dade Schools Police Department must use tapes and surveillance devices only in accordance with legally acceptable rules of evidence.

Tapes must not be retained after their initial purpose has been served. In general, this means that recorded events will not be stored more than 30 days, and that electronic storage media will be re-used as new events occur. Tape security should be under the direct supervision of a designated site administrator.

7. **Installation of Surveillance Systems**

No surveillance equipment may be installed in existing locations without the approval of Facilities Planning and Construction. The office should be contacted by the site administrator during the development of the security plan and again, prior to submission of any equipment requisitions. An FPC administrator should be included in the requisition approval chain.

## GUIDELINE #39: REMOVAL OF STUDENT FROM CLASS AND POSSIBLE EXCLUSION OF THE STUDENT BY THE TEACHER

### CURRENT LAW AND/OR PRACTICE

Florida Statutes and Miami-Dade County School Board Rules allow for teachers to remove a disruptive student from class if the behavior of the student has an adverse effect on the teacher's ability to communicate effectively with students or the ability of the students to learn. Section 232.271, F.S., provides for the right of the teacher to refuse to accept a student back to class who has been removed for disruptive behavior which adversely affects the teacher's ability to communicate effectively with the students or with the ability of the students to learn.

Provisions for Exceptional Students: The Placement Review Committee shall refer to the IEP team all exclusion requests for students from exceptional education classes.

A. Temporary Removal from Class

1. The teacher shall have the authority to remove a seriously disruptive student from the classroom. In such cases, the principal or designee shall be notified immediately and the teacher shall be entitled to receive, prior to the student's return to class, a report describing corrective action(s) taken. Guidelines for implementing this provision shall be developed by each Educational Excellence School Advisory Council (EESAC).

B. Code of Student Conduct Infractions

1. The principal or designee will follow the Code of Student Conduct on all disciplinary matters.

2. Only those disciplinary problems which disrupt a teacher's instruction, when the teacher requests the student's permanent removal from class, shall be referred to the Placement Review Committee, if the request is not resolved by the principal.

C. Exclusion from Class by a Teacher

1. A teacher who has removed a student from class may request that the student not be returned to class under the following conditions:

a. The student's behavior is so unruly, disruptive or abusive that it seriously affects the teacher-student communication or the student's classmates ability to learn.

b. The student has been documented by the teacher for repeated interference with the teacher's ability to communicate effectively with students, or the ability of the students to learn.

The following documentation should support the teacher's decision under 1 b. above:

- a teacher-student conference;
- a parent conference or evidence of a valid attempt to reach a parent(s)/guardian(s), including both telephone calls and a letter, delivered by hand or mail, to the home; and
- at least two (2) written referrals to school-site administration for behavior which interferes with instruction.

2. A written referral to site administration must be provided by the teacher upon the removal of the student from class.

   a. The principal must provide an alternative placement for the student until a final decision has been reached by the Placement Review Committee.

   b. The principal has the authority and responsibility to maintain class balances.

D. Establishment of a Placement Review Committee to Determine Appropriate Placement of a Student When a Teacher has Withheld Consent for a Student's Return to the Teacher's Class.

1. The committee consists of at least:

   a. two (2) teachers elected by the teaching staff;

   b. two (2) teacher-alternates, elected by the teaching staff;

   c. one (1) staff member appointed by the principal; and

   d. one (1) alternate staff member appointed by the principal.

If a school chooses to have a larger committee, the ratio of committee members must be 2:1 elected teachers to staff members appointed by the principal.

Large schools may have more than one committee.

The creation of the school-site Placement Review Committee shall be the responsibility of the individual school. The creation of this committee shall take place annually at the first faculty meeting of the academic year.

E. Time Frames and Parent Notification

1. A teacher who requests a permanent exclusion of a student from class must notify the principal no later than twenty-four (24) hours following the initial removal from class.

2. A time limit of five (5) days from the removal of the student from class is set for the Placement Review Committee to render a decision on the placement of the student.

3. Every effort must be made by the school administration to notify the parent(s)/guardian(s) immediately upon the removal of a student from class.

4. If a teacher requests a permanent exclusion of the student from class, the parent(s)/guardian(s) shall be notified of the time and place of the Placement Review Committee meeting. The parent(s)/guardian(s) and student shall have the right of participation.

F. Provisions for Limited English Proficient (LEP) Students: The Placement Review Committee shall refer a LEP student to the LEP committee. The Placement Review Committee decision must concur with the LEP Committee recommendation. LEP services cannot be denied.

G. Professional Development Activities to Improve Classroom Management Skills: Any teacher who refers 25% of his or her class is required to complete professional development activities to improve classroom management skills. This percentage pertains to individual students referred for disruptive behavior which interferes with instruction, as detailed in paragraph C. (1a. and 1b.) above, not only those who were excluded permanently.

**Guideline #39:** **Removal of Student from Class and Possible Exclusion of the Student by the Teacher (continued)**

H. Records: Each school should keep appropriate records in order to be able to address questions in the following general areas:

1. Number of disciplinary referrals requiring students to be removed from class by teachers;

2. Number and percentage of referrals in which the students were sent back to class with the consent of teachers;

3. Number and percentage of referrals that were sent to the Placement Review Committee because of teacher refusal to readmit;

4. Number and types of placements (including those returned to class) made by the Placement Review Committee; and

5. Number and percentage of students in each class referred by each teacher (to be used in determining staff development needs).

## GUIDELINE #40: NOTIFICATION PROCEDURES REGARDING CERTAIN REGISTERED SEXUAL PREDATORS

### CURRENT LAW AND/OR PRACTICE

Section 775.21, F.S., addresses, in part, the appropriate notification requirements to the community regarding sexual predators. Any person designated as a sexual predator shall be subject to both community and public notification provisions. When a sexual predator moves into an area, he/she is required to register within forty-eight (48) hours of the move. This applies to both temporary and permanent residences. The Florida Department of Law Enforcement (FDLE), as well as local law enforcement, are under a statutory mandate to inform the community of the identity and whereabouts of all sexual predators in a timely manner, subsequent to their registration. In light of the stated law and the underlying purpose, Miami-Dade County Public Schools is assisting local law enforcement by disseminating information about sexual predators to parents.

### INTRODUCTION

As a public institution, the school system has the responsibility to protect its students. While the physical protection cannot extend beyond school grounds, any information that will help keep students safer must be disseminated. The purpose of including the school system in the notification protocol for sexual predators is to afford parent(s)/guardian(s) easy access to information that can enhance the safety of their children and the school system's students. All individuals designated as sexual predators pursuant to a written court order must register with the Florida Department of Law Enforcement. Upon notification from the Miami-Dade Police Department of any registered sexual predators living in Miami-Dade County, all Miami-Dade County public schools will send sealed letters to the parent(s)/guardian(s) informing them of the identity of the sexual predators residing in Miami-Dade County.

### PROCEDURES

A. Law Enforcement Responsibility

1. Law enforcement agencies must inform members of the community and the public of a sexual predator's presence. Within 48 hours after receiving notification of the sexual predator's presence, the sheriff or chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify each licensed day care

center and Miami-Dade County Public Schools within a 1-mile radius of the sexual predator's residence, with the name, address, physical description, and a photograph of each registered sexual predator residing in Miami-Dade County, as well as the circumstances of the sexual predator's offense, and whether the sexual predator's victim was a minor at the time of the offense.[1]

2. In order to be in compliance with the 48 hour notification, the Miami-Dade Police Department will notify Miami-Dade County Public Schools' Bureau of Adult/Alternative and Dropout Prevention Programs of specific registered sexual predators, via electronic mail, within 48 hours after receiving notification of the sexual predator's presence. The electronic mail notification will contain the name, address, physical description, photograph of each registered sexual predator residing in Miami-Dade County, as well as the circumstances of the sexual predator's offense, and whether the sexual predator's victim was a minor at the time of the offense.

B. School System's Responsibility

1. At the beginning of the school year, all schools must distribute to all parent(s)/guardian(s) the letter from the Superintendent of Schools informing them of Miami-Dade County Public Schools involvement in the notification process, which is provided in the Appendix, page A-53.

---

[1]Sections 775.21(6) and 775.21(7)(a), F.S.

**Guideline #40:** **Notification Procedures Regarding Certain Registered Sexual Predators (continued)**

2. At the time of registration, the parent(s)/guardian(s) of new students should be given the letter provided in the Appendix, page A-55, advising them on how to access information regarding sexual predators.

3. Once Miami-Dade County Public Schools Bureau of Adult/Vocational, Alternative and Dropout Prevention Programs has been notified of the presence of a specific registered sexual predator by the Miami-Dade Police Department, the Bureau of Adult/Vocational, Alternative and Dropout Prevention Programs will inform all schools and all specific command staff from the Miami-Dade Schools Police Department of specific registered sexual predators residing in Miami-Dade county via electronic mail. The sexual predator notification will be electronically transmitted via electronic mail on the internet through the use of Adobe Acrobat's, Portable Document Format (PDF) file, an example is provided in the Appendix, page A-57. The Adobe Acrobat PDF file sent via electronic mail will contain the photographs, physical descriptions, and known addresses of specific registered sexual predators.

**Guideline #40:** **Notification Procedures Regarding Certain Registered Sexual Predators (continued)**

4. Once the above notification has been transmitted to all schools, the principal at each school site is responsible for handling the sexual predator notification in the following manner:

   The principal at each school site is responsible for reading his/her electronic mail every day.

   Upon receipt of the sexual predator notification via electronic mail, the principal will print a copy of the electronic mail containing specific registered sexual predators, an example of which is provided in the Appendix, page A-57.

   Subsequent to printing the sexual predator notification, the principal shall copy and distribute, the electronically-transmitted notification along with the letter, an example of which is provided in Appendix, page A-59. The principal is responsible for notifying all parent(s)/guardian(s), faculty, staff, and the school resource officer if one is assigned to their school, via a sealed package. The principal at all Adult/Vocational school sites is responsible for notifying the students and faculty. Adult students do not have to have a sealed package.

   All sexual predator notifications transmitted via electronic mail by the Bureau of Adult/Vocational, Alternative and Dropout Prevention Programs are not to be forwarded or distributed by any other method or persons, other than the above mentioned.

5. Schools must keep all information sent by the Bureau of Adult/Vocational, Alternative and Dropout Prevention Programs in an updated binder secured in the main office. Any parent(s)/guardian(s) seeking information on a registered sexual predator shall be given access to this binder.

6. If individual schools receive information regarding sexual predators from any source other than the Bureau of Adult/Vocational, Alternative and Dropout Prevention Programs, which includes any law enforcement agency, they shall forward such information to the Bureau of Adult/Vocational, Alternative and Dropout Prevention Programs. They must not distribute this information to staff, parent(s)/guardian(s), or students.

# APPENDIX

## SUMMARY OF RELATED MIAMI-DADE COUNTY SCHOOL BOARD RULES

Rules adopted by the School Board which pertain wholly or in part to student discipline, are found in the official **School Board Rules**. The Rules are available in all schools and in region and district offices. Brief statements regarding these rules follow:

1. **Attendance** – Rule 6Gx13- 5A-1.04... includes the procedures pertaining to student absences from school; reports required; a description of the responsibilities of the principal, classroom teacher, students, and parents regarding the attendance of children at school.

2. **Climate for Learning** – Rule 6Gx13- 6A-1.09... provides for cooperative efforts by school staffs, students, parents, and community leaders in the development of a sound educational climate for learning.

3. **Conduct** – Rule 6Gx13- 5C-1.02... states the philosophy of the school system in regard to standards of student behavior.

4. **Maintenance of Appropriate Student Behavior** – Rule 6Gx13- 5D-1.08... states the disciplinary authority of the teacher and reaffirms School Board support of administrative staff and teachers. The rule provides guidelines and specific School Board directives to be observed by all schools and region offices for promoting good citizenship.

5. **Corporal Punishment** – Rule 6Gx13- 5D-1.07... corporal punishment prohibited, states the authority of school personnel according to Florida Statutes; and describes the disciplinary measures that may be used. This prohibition extends to parents and guardians on school grounds.

6. **Dress Code** – Rules 6Gx13- 5C-1.031... states the philosophy of the Board regarding student dress and behavior and gives procedures for the principal of each school to follow in developing the school dress code.

7. **Law Enforcement Agencies** – Rules 6Gx13- 1E-1.02 and 1E-1.021... specify that a cooperative effort shall be maintained between officials of the school district and law enforcement agencies; also included are procedures to be followed when students become involved with law enforcement officers.

8. **Transportation Specific Procedures** – Rule 6Gx13- 3E-1.10... describes the times when a student is subject to the supervision of the school and defines the authority of the principal for the supervision and direction of students.

9. **Promotion and Placement** – Rule 6Gx13- 5B-1.04... includes rules pertaining to placement of students.

10. **School Bus Driver** – Rules 6Gx13- 3E-1.10 and 3E-1.102... quotes those Florida Statutes that specify the authority of the school bus driver for the supervision of students on a school bus.

11. **Suspension, Board-Approved Alternatives, Expulsion, and Referral to Children and Families Services** – Rule 6Gx13- 5A-1.062... states definitions of suspension, expulsion, and Board-approved alternative measures, the authority of the principal and Superintendent; and the procedures to be followed by the administration and by the School Board.

12. **Teacher's Authority** – Rule 6Gx13- 5D-1.08... includes a statement concerning the disciplinary authority of the individual teacher in his/her classroom, in accordance with Florida Statutes, Florida Board of Education Rules, and School Board Rules.

13. **Reporting Incidents** – Rule 6Gx13- 4A-1.21... informs all employees of their responsibility to comply with procedures relating to the reporting of criminal acts and/or disruptive behavior. Includes provisions for administrative action to deal with individuals failing to comply with reporting requirements.

14. **Pledge of Allegiance** – Rule 6Gx13- 6A-1.08... follows Florida Board of Education Rule and School Board Attorney's opinion concerning the reciting of the Pledge of Allegiance and dealing with students who wish to refrain from its recitation.

15. **Students Dances** – Rule 6Gx13- 1D-1.06... identifies procedures for ensuring proper student decorum through adequate supervision.

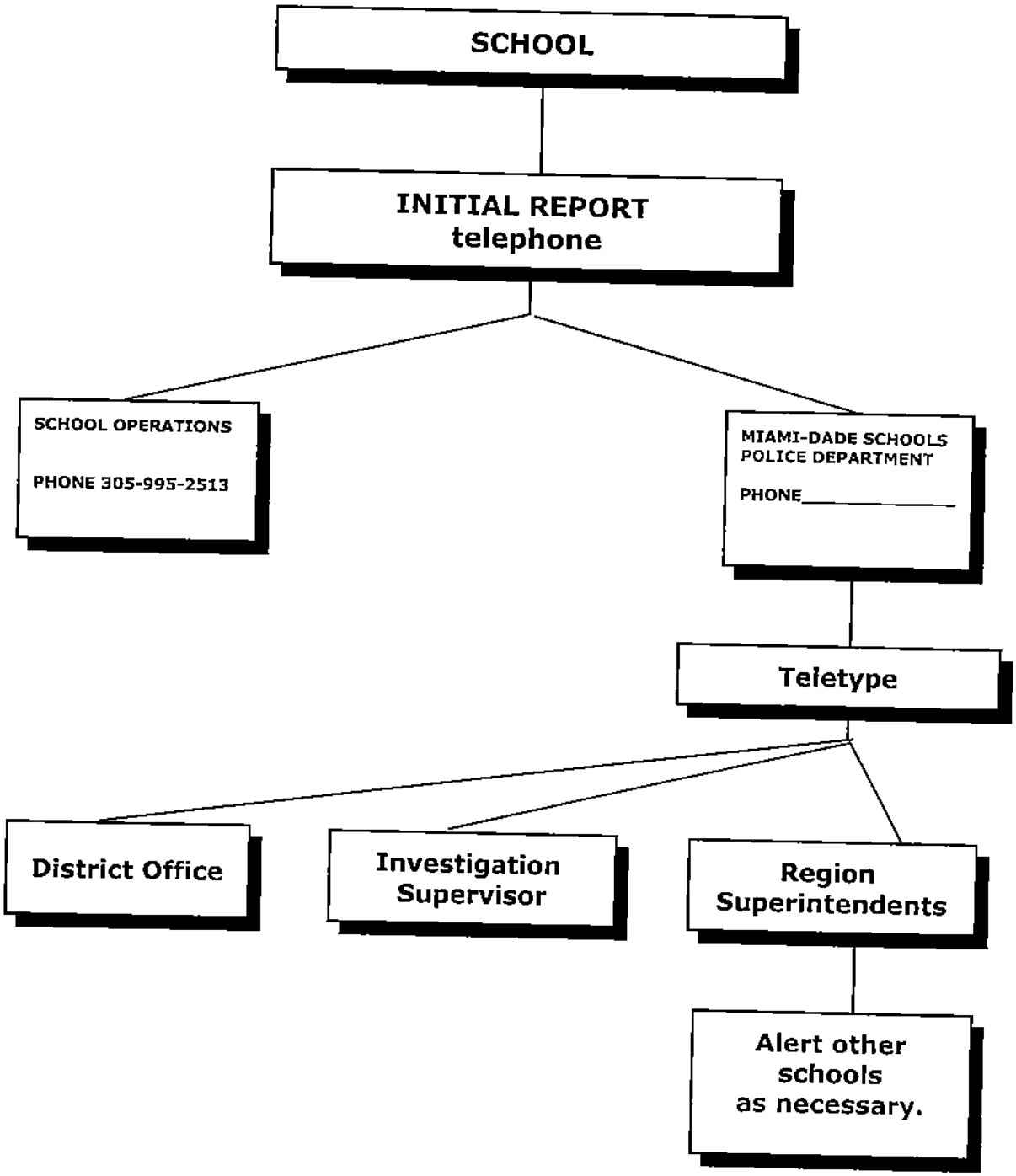
16. **Foreign Student Registration** – Rule 6Gx13- 5A-1.11... provides registration requirements - Pre-kindergarten through Grade Twelve, and procedures governing entrance of foreign students into Adult and Applied Technology Education Programs.

17. **Student Case Management** – Rule 6Gx13- 5D-1.09... provides direction for maintaining a record of the services provided for students and the disciplinary action taken when a violation of the **Codes of Student Conduct** has occurred.

18. **Discrimination/Harassment: Complaint Procedures for Students** – Rule 6Gx13- 5D-1.10... specific procedures to assure nondiscrimination in educational activities/programs and the elimination of harassment.

# HOW TO REPORT INCIDENTS

Incidents will be reported as shown in the following relay chart:



## GLOSSARY OF SPECIALIZED TERMS

1. **APPARENT SERIOUS INJURY** - An injury that is readily visible, understood, or perceived as serious. An injury that is likely to materially or permanently impair the health of an individual.

2. **ARMED ROBBERY** - The taking of money or other property from the person or custody of another with intent to permanently or temporarily deprive the person of the money or other property, where in the course of taking there is the use of any weapon.

3. **ARSON (Section 806.01, F.S.)** - Any willful, unlawful igniting of a fire that causes damage or is intended to cause damage to school property or the property of another.

4. **ASSAULT (Section 784.011, F.S., et seq.)** - An intentional, unlawful verbal or physical threat to do violence to someone by a student who possesses an apparent ability to do so, and in doing so creates a well-founded fear in such other person that such violence is imminent.

   **Aggravated Assault:** Assault with a weapon

5. **BATTERY** - An actual and intentional harmful or offensive touching or striking of another person against his or her will or intentionally causing bodily harm to an individual.

   **Aggravated Battery:** Intentionally or knowingly causing great bodily harm, permanent disability, or permanent disfigurement or using a weapon while committing a battery.

6. **BOMB THREAT** - The threat of placing, or actual placing, of an explosive on school premises.

7. **BOYCOTT** - A conspiracy or confederation to prevent the carrying on of business or the operation of a school, or to injure the business, or school function by disruption, threats, intimidation, coercion, etc. Compare: **Sit-ins.**

8. **BREAKING AND ENTERING** - The entering or remaining in a structure or conveyance vehicle with the intent to commit a criminal offense.

9. **BULLYING** - When one person uses power in a willful manner with the aim of hurting another individual repeatedly. Bullying is not occasional teasing. It can be physical, verbal, or psychological.

10. **DAMAGE** - Loss, injury, or deterioration caused by negligence, design, or accident, of one person toward another, in respect to the latter's person or property.

11. **DISRUPTION** - Upsetting the order of; throwing into confusion or disorder. Interrupting or impeding the progress, movement or procedure.

12. **DISTURBANCE** - Any act causing annoyance, disquiet, agitation, or derangement to another, interrupting peace, or interfering with persons in the pursuit of a lawful and appropriate occupation, or contrary to the usages of a sort of meeting and class of persons assembled that interferes with its due progress or irritates the assembly in whole or in part.

13. **DRESS CODE** - A set of adopted regulations known as the official dress code for Miami-Dade County Public Schools.

14. **CONTROLLED SUBSTANCES (SUBSTANCES CONTROLLED UNDER CHAPTER 893, FLORIDA STATUTES)** - "Controlled substances" means any substance named or described in the Schedule I through IV of Section 893.03, Florida Statutes. Laws controlling the manufacture, distribution, preparation, dispensing, or administration of such substances are drug abuse laws." Examples are: (1) Opium and its derivatives (morphine, heroin, and codeine); (2) cocaine; (3) marijuana; (4) synthetic narcotics, manufactured narcotics which can cause drug addiction; (5) other dangerous non-narcotic drugs (barbiturates and amphetamines); (6) hallucinogenic drugs.

15. **FELONY (Section 775.081, F.S.)** - Any criminal offense that is punishable under the law of the State, or that would be punishable, if committed in the State, by death of imprisonment in a state penitentiary.

16. **FIREARM** - Any weapon (including a starter gun) that will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive (See **Weapons**).

17. **FORCIBLE ENTRY (Section 82.01, F.S.)** - An entry into any lands or tenement not given by law, or an entry, when given by law, with "strong hand or with multitude of people".

18 **HARASSMENT** -

**General Harassment** - Any slurs, innuendos, or other verbal or physical conduct reflecting on an individual's gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy or disability which has the purpose or effect of creating an intimidating, hostile, or offensive educational environment.

**Sexual Harassment** - Includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct effectively bars the victim's access to an equal educational opportunity or benefit, or creates an intimidating, hostile, or offensive school environment.

19. **HOMICIDE (MURDER)** - The willful (non-negligent) killing of a human being by another.

**Manslaughter**: The killing of a human being by culpable negligence of another without lawful justification.

20. **INCIDENT** - A definite, distinct occurrence, an event. An occurrence that precipitates a public crisis.

21. **INJURY** - Any wrong or damage done to another, either to one's person, reputation, or property. An act that damages, harms or hurts. Accident injury, a bodily injury by accident.

22. **JUVENILE** - According to Section 39.01, Florida Statutes, "Child or youth: means any unmarried person under the age of 18 years who has not been emancipated by order of the court."

23. **KIDNAPPING** - forcibly, secretly, or by threat, confining, abducting, or imprisoning another person against that person's will and without lawful authority, with intent to:

a. hold for ransom or as a shield or hostage
b. commit a felony
c. inflict bodily harm or to terrorize

24. **MISBEHAVIOR** - Improper rude behavior.

25. **MISDEMEANOR (Section 775.08, F.S.)** - Any criminal offense that is punishable under the law of the State, or that would be punishable if committed in the State, by a term of imprisonment in a county correctional facility, except in an extended term, not in excess of one year.

26. **MOOD MODIFIERS, POSSESSION, SALE, OR DISTRIBUTION OF** - Any possession, sale, or transmission on school premises of mood-modifying substances not medically prescribed for that student.

27. **MURDER** - (See Homicide)

28. **OFFENSE** - The act of offending or causing anger, resentment, displeasure, or the like. Any violation of a moral or social code. A transgression of law; a crime. Offense is broadly applicable to any such infraction.

**Offender,** a person who commits an offense; commonly used in statutes to indicate a person implicated in the commission of a crime and includes persons guilty of a misdemeanor.

29. **POSSESSION** - The detention and control, or the manual or ideal custody, of anything that may be the subject of property, for one's use and enjoyment, either as owner or as proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place.

30. **POSSESSION OF EXPLOSIVES** - The carrying or concealing of a bomb, dynamite, or other deadly explosives.

31. **PROPERTY DAMAGE** - Any willful damage or attempted damage to the property of students, school personnel, or school.

32. **ROBBERY AND ARMED ROBBERY** - The taking of money or other property from the person or custody of another by force, violence, assault, or placing in fear.

33. **SALE** - The exchange of property or services for a determined amount of money or its equivalent.

34. **SCHOOL** - According to Section 810.097, Florida Statutes, the term "school" means the grounds or any facility of any kindergarten, elementary school, middle school, junior high school or secondary school, whether public or nonpublic.

35. **SERIOUS** - Important; weight, momentous, newsworthy. Compare: Apparent Serious Injury.

36. **SEX OFFENSE** - Sexual battery or an offense against chastity or common decency.

37. **SEXUAL BATTERY** - State law defines sexual battery as "...oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object..."

38. **USE OF TOBACCO PRODUCT** - Holding a lighted cigarette (cigar, and so forth) or drawing in and exhaling the smoke of tobacco or use of any tobacco product.

39. **THEFT** - The taking of property belonging to another, from another's possession, or from the possession of some person holding the property for another, without consent, with intent to deprive the owner of the value of the property, and appropriating it to the use or benefit of the person taking the property.

    **Petty Theft: (not over $300 i.e., $300 or less)**
    Unauthorized possession and/or sale of the property of another, without the consent of the owner.

**Grand Theft: (over $300)**
Unauthorized possession and/or sale of the property of another without the consent of the owner.

40. **TRANSMISSION OR DISTRIBUTION** - Characterized by, or involving transmitting. To send or pass on from one person, thing or place to another.

41. **TRESPASSING ON SCHOOL PROPERTY** - Any person who enters or remains on the campus or other facility of a school after the principal or designee has directed such person to leave the campus or facility or not to enter without authorization, commits a trespass upon the grounds of a school facility.

42. **TRUANCY** - Absence from school without the consent or knowledge of school officials and/or parent.

43. **VANDALISM** - The willful or malicious destruction and/or damage of school property or the property of others.

44. **VICTIM** - One who is harmed by or made to suffer from an act, incident, circumstance, or the property of others.

45. **WEAPONS, POSSESSION, USE AND/OR CONCEALMENT OF** - Any carrying, concealing, displaying, or use of firearms, knives, destructive devices, flammable material, or any other items that are used to cause bodily injury or death.

46. **WILLFUL** - A "willful" act may be described as one done intentionally, knowingly, and purposely, without justifiable excuse, as distinguished from an act done carelessly, thoughtlessly, heedlessly, or inadvertently.

# SESIR Incident Definitions

## Incidents That Must Be Reported to SESIR and Are Expected to Be Reported to Law Enforcement

**ALCOHOL (ALC)**
(possession, use or sale) The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of intoxicating alcoholic beverages. Use should be reported only if the person is caught in the act of using or is discovered to have used in the course of the investigation.

**ARSON (ARS)**
(intentionally setting a fire on/with school property) To wilfully and unlawfully, or while in the commission of any felony, by fire or explosion, damage or cause to be damaged: any dwelling, structure or conveyance, whether occupied or not, or its contents; and any other structure that the person knew or had reasonable grounds to believe was occupied by a human being.

**BATTERY (BAT)**
(physical attack/harm) The willful and unlawful use of force or violence upon the person of another. Three primary elements must be present for a *Battery* to occur: (1) there must be an aggressor (suspect), who (2) intended to cause physical harm, to (3) an innocent person (victim). Includes an attack with a weapon that fits the aforementioned description.

**BREAKING AND ENTERING/ BURGLARY (BRK)**
(illegal entry into a facility) The unlawful entry with or without force into a building or other structure, remaining behind or conveyance with the intent to commit a crime to property.

**DISORDERLY CONDUCT (DOC)**
(*serious* campus disruption) Any disruptive behavior that poses a serious threat to the learning environment, health, safety, and/or welfare of others.

**DRUGS - EXCLUDING ALCOHOL (DRG)**
(illegal drug possession, sale or use/under the influence) The unlawful use, cultivation, manufacture, distribution, sale, purchase, possession, transportation or importation of any controlled drug, narcotic substance, or any substances represented as drugs (such as designer drugs, caffeine pills, herbs, foods). Use should be reported only if the person is caught in the act of using or is discovered to have used in the course of the investigation.

**HOMICIDE (HOM)**
(murder, manslaughter) The unlawful killing of one human being by another.

**KIDNAPPING (KID)**
(abduction of an individual) Forcibly, secretly, or by threat confining, abducting, or imprisoning another person against their will and without lawful authority.

**MOTOR VEHICLE THEFT (MVT)**
(actual or attempted taking of a vehicle) Theft or attempted theft of a motor vehicle.

**ROBBERY (ROB)**
(using force to take something from another) The taking or attempted taking of anything of value that is owned by another person or organization, under the confrontational circumstances of force or threat of force or violence and/or by putting the victim in fear.

**LARCENY/THEFT (STL)**
(taking of property or from a vehicle on school property) The unlawful taking, carrying, riding away or concealing the property of another person, without threat, violence or bodily harm, with the intent to prevent or deprive the rightful owner of its use. (The item must be $50 or more to report in SESIR.)

**SEXUAL BATTERY (SXB)**
(attempted or actual forcible penetration) *Forced* oral, anal or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object.

**THREAT/INTIMIDATION (TRE)**
(instilling fear in others) Must have all three elements to be considered a threat: (1) intent; (2) fear; and (3) capability. To unlawfully place another person in fear of harm (emotional or physical) with or without the use of a weapon.

**TRESPASSING (TRS)**
(illegal entry onto campus) To enter or remain on a public school campus, at a school function or on any school board property without authorization or invitation and with no lawful purpose for entry.

**VANDALISM (VAN)**
(destruction, damage, or defacement of school or personal property) The unlawful and/or malicious destruction, damage, or defacement of public or private property without consent of the owner or the person having custody or control of it. (The amount of damage must be $100 or more to report in SESIR, including time and labor.)

**WEAPONS POSSESSION (WPO)**
(possession of firearms and other instruments which can cause harm) Possession of any instrument or object (as defined by F.S. 790.001 or district code of conduct) that can inflict harm on another person or to intimidate any person.

**OTHER MAJOR (OMC)**
(major incidents that do not fit within the other 16 criminal definitions) Any major incident resulting in the need for law enforcement intervention not previously classified.

## Incidents That Must Be Reported to SESIR, But May Not Need to Be Reported to Law Enforcement

**FIGHTING (FIT)**
(mutual combat, mutual altercation) When two or more persons mutually participate in physical violence that requires physical restraint and/or results in injury.

**SEXUAL HARASSMENT (SXH)**
(undesired sexual behavior towards another) Unwanted or repeated verbal or physical sexual behavior that is offensive and objectionable to the recipient, causes discomfort or humiliation or creates a hostile environment. The following types of conduct by any adult or student constitute sexual harassment:

1. Creating A Hostile Environment - Sexually harassing conduct (which can include unwelcome sexual advances; and other verbal, nonverbal or physical behavior of a sexual nature) by an individual that is sufficiently severe, persistent, or pervasive enough to create a hostile or abusive educational environment; or
2. Quid Pro Quo - to condition, explicitly or implicitly, sexual favors for participation in an educational program or activity or in determining an educational decision. (In some cases, severe incidents of sexual harassment which includes violent physical contact may be considered a *Battery;* or with physical penetration, a *Sexual Battery.*)

**SEXUAL OFFENSES (SXO)**
(lewd behavior, indecent exposure) Sexual contact, including intercourse, without force or threat of force and where victim is capable of giving consent. Exposing an individual to lewd, sexual behavior or actions.

**TOBACCO (TBC)**
(cigarettes or other forms of tobacco) The possession, use, distribution or sale of tobacco products on school grounds, school-sponsored events, and on school transportation by any person under the age of 18.

FLORIDA
Department of Education
www.firn.edu/doe

## STUDENT TRESPASSERS

(This sample letter could be used for student trespassers)

Date_____

Mr. and Mrs. _____
_____
_____

Dear Mr. and Mrs. _____

On **(date)** , your child, **(name)** , was trespassing on the campus of **(name of school)** during the time that school was in session.

It is unlawful for individuals not currently enrolled in a school to be on the campus without the permission of a school administrator.

Although trespassing charges could be filed against **(name)** for his/her behavior, the school is not going to take such action unless he/she is on the campus again without permission.

A copy of this letter is being sent to your child's current school so it may become a part of his/her school records.

Sincerely,

Principal
Initials

Miami-Dade County Public Schools

# NOTICE OF WORK ASSIGNMENT IN LIEU OF SUSPENSION

Miami-Dade County, Florida _____ 20____

TO: _____ STUDENT _____
(Last) (First) (Middle)

_____ School _____ Grade _____
(No. and Street) (City) (Zip Code)

I.D. No. _____ SCM No. _____ SPAR#:_____ Ethnicity _____ Sex _____

---

This is to inform you that the above-named student has been assigned a work assignment in lieu of suspension for a period of _____ and may not return to _____ period class(es) until _____.

This action is being taken as a result of: _____

_____

_____

This work assignment in lieu of suspension is based on the facts which have thus far been presented to me. We have informally discussed the misconduct with your child who has been presented with the evidence. Also, you child has been given an opportunity **to present his/her side of the story**.

**This work assignment may be shortened, if and when we can be assured that the student is willing to conform to the regulations of the school.** If you desire to attend a hearing on this matter, please call this office so that one may be arranged as soon as possible. At such a hearing, you and your child will be given the opportunity to present witnesses and any facts or reasons, orally or in writing, which in your opinion related to this work assignment in lieu of suspension.

Please be advised that your failure to respond to this letter and to avail yourself of the opportunity to be heard in the manner provided will signify your desire not to have a hearing and your agreement with the action taken.

If you have any questions regarding the WORK ASSIGNMENT IN LIEU OF SUSPENSION, please contact this office immediately.

Our telephone number is _____.

_____
*Signature of Student*

**Parent verification received:**

_____
*Signature of Assistant Principal*

Date _____

By Whom _____

**A copy of this notice shall be filed in the student's Cumulative Record Folder.**

878-1354 FM-2196E Rev. (09-01)

Miami-Dade County Public Schools

# NOTICE OF IN-DOOR SUSPENSION

Miami-Dade County, Florida _____, 20_____

TO _____ STUDENT _____
(Last) (First) (Middle)

_____ SCHOOL _____ GRADE _____
(Number & Street) (City) (Zip Code)

ID No. _____ SCM No. _____ SPAR No. _____ ETHNICITY _____ SEX _____

This is to inform you that the above-name student has been assigned to the in-door suspension class for a period of _____ days and my not return to regular classes until _____.

This action is being taken as a result of _____

_____

_____

This in-door suspension is based on the facts which have thus far been presented to me. We have informally discussed the misconduct with your child who has been presented with the evidence. Also, your child has been given an opportunity **to present his/her side of the story.**

**This in-door suspension may be shortened when the school can be assured that the student is willing to conform to the regulations of the school.** If you desire to attend a hearing on this matter, please call this office so that one may be arranged as soon as possible. At such a hearing, you and your child will be given the opportunity to present witnesses and to present any facts or reasons, orally or in writing, which in your opinion relate to this in-door suspension.

Please be advised that your failure to respond to this letter and to avail yourself of the opportunity to be heard in the manner provided will signify your desire not to have a hearing and your agreement with the action taken.

If you have any questions regarding the NOTICE OF IN-DOOR SUSPENSION, please contact this office immediately.

Our telephone number is _____.

_____ _____
*Signature of Assistant Principal* *Signature of Suspended Student*

*A copy of this notice will be filed in the student's Cumulative Record Folder.*



Pending
FM-1886E Rev. (09-00)

## AGREEMENT FOR ALTERNATIVE INTERVENTION CENTER PLACEMENT

I have read and understand the **Notification for the Alternative Intervention Counseling Center Placement**, and I accept my child's placement in the program as an alternative to suspension from _____ to _____.

"I understand and agree to the following":

1. Attendance in required by my child for six sessions, one session a week on _____ at _____.
   day time

2. A parent/guardian must attend two sessions and may voluntarily attend additional sessions.

3. My child must comply with the rules of the school center.

4. Failure to comply with the above may result in the principal's taking alternative action.

_____ _____
Signature of Student Date

_____ _____
Signature of Principal or Designee Signature of Parent

_____ _____
Date Date

Copies of this notice shall be:

1: filed in the student's Cumulative Record Folder

2: sent to the Project TRUST Specialist

Miami-Dade County Public Schools
giving our students the world

# MIAMI-DADE COUNTY PUBLIC SCHOOLS

## NOTICE OF SUSPENSION

Miami-Dade County, Florida _____ 20____

TO _____ STUDENT _____
(Last) (First) (Middle)

_____ School _____ Grade_____
(Number and Street) (City) (Zip Code)

Student I.D. No. _____ Ethnicity _____ Sex _____

SCM No. _____ (This action must be reflected in the SCMS) SPAR# _____

This is to inform you that the above-named student has been suspended from school for a period of _____ days and may not return until _____.

This action is being taken as a result of _____
_____
_____.

This suspension is based upon the facts which have thus far been presented to me. We have informally discussed the misconduct with your child who has been presented with the evidence. Also, you child has been given an opportunity to present his/her side of the story.

**This suspension may be shortened, if and when we can be assured that the student is willing to conform to the regulations of the school.** If you desire to attend a conference on this matter, please call this office so that one may be arranged as soon as possible. At the conference you and your child will be given the opportunity to present witnesses and to present any facts or reasons, orally or in writing, which in your opinion relate to this suspension. Please be advised that your failure to respond to this letter and to avail yourself of the opportunity to be heard in the manner provided will signify your desire not to have a conference and your agreement with the action taken.

During the duration of the suspension, your child should be in your custody and should not return to the school campus during that time. An unauthorized appearance could result in a charge of trespassing.

Upon completion of the suspension, it is the responsibility of your child to obtain make-up work from all teachers.

Our telephone number is _____.

_____
Signature of Suspended Student

_____
Signature of Principal or Designee

A copy of this notice shall be filed in the student's Cumulative Record Folder.

FM-1625E Rev. (09-01)

FLORIDA DEPARTMENT OF EDUCATION

# SUMMARY OF PROCEDURAL SAFEGUARDS FOR STUDENTS WITH DISABILITIES

**Revised July, 1999**

## NOTICE

As a parent you have a right to receive a copy of a document which fully explains the procedural safeguards which are available to you. This document is to be provided to you upon your child's initial referral for evaluation, upon each notification of a meeting of the individual educational plan (IEP) team regarding your child, upon re-evaluation of your child, and upon the filing of a request for a due process hearing.

As a parent you also have a right to prior written notice. Specifically, you have a right to:

- Be notified a reasonable time before the school district: (a) identifies, evaluates, or places your child in an exceptional student education program, or provides a free appropriate public education (FAPE) to your child; (b) changes an identification, evaluation, or placement that has been made, or the provision of FAPE; or (c)- refuses to take any of these actions after you have requested them.
- Receive these notices, written in language understandable to the general public. Notices must be provided in your native language or other mode of communication, unless it is clearly not feasible to do so. If your native language or other mode of communication is not a written language, the school officials must see that: (a) the notice is explained to you orally or in a mode of communication you understand; (b) you understand the information you have been given; and (c) there is written evidence that this requirement has been met.

The prior written notice must include the following items:

- A description and explanation of the action proposed or refused by the school district.
- A description of any options the school district considered and why these options were not selected.
- A description of any other relevant factors school officials considered in their proposal or refusal to take an action.
- A description of each evaluation procedure, test, record, or report the school district will use as the basis for making any decision(s) regarding your child. "Evaluation" means procedures used to determine whether a child has a disability and to determine the nature and extent of the special education and related services that the child needs.
- Information about the protections available to you under the procedural safeguards as provided for in the Individuals with Disabilities Education Act (IDEA) and how you can get a copy of a document explaining these safeguards.
- Sources you may contact to get assistance in understanding your rights under IDEA.

## CONSENT

Your written consent is necessary before the school district can:

- Test your child individually with any tests that are not generally given to other students prior to determining that your child is eligible for placement in an exceptional student education program.
- Place your child in an exceptional student education program for the first time.
- Re-evaluate your child.

Parent consent is not required prior to a school district's review of existing data as part of an evaluation or re-evaluation.

Your consent must be given freely, and you may withdraw it at anytime before the activity consented to takes place.

If you do not respond to the school district's request for your consent to re-evaluate your child, the school district may go ahead and conduct the re-evaluation if it can show that it made reasonable efforts to obtain the consent and you failed to respond.

If you do not give your consent, your child's basic right to attend school and participate in school activities will not be affected by your refusal. If you withhold or refuse consent for evaluation or placement, the school district may utilize informal procedures to obtain written consent. If informal procedures do not result in written parental consent, the school district must document its attempts to secure consent and may request an impartial hearing to resolve the issue. An Administrative Law Judge can order a school district to act without your consent; however, you may appeal the Administrative Law Judge's Order.

## MEETINGS

As a parent, you have a right to participate in meetings which have to do with the identification, evaluation, eligibility, re-evaluation, and educational placement of your child, and the provision of a free appropriate public education to your child.

## INDEPENDENT EDUCATIONAL EVALUATION

If you do not agree with the evaluation provided by the school -- that is, if you don't think they gave the right tests or reached the right conclusions -- you have the right to request that an independent educational evaluation be conducted at public expense. An "independent educational evaluation" means that your child will be tested by a qualified person who is not an employee of the school district. "Public expense" means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you. If you request that an independent educational evaluation be conducted at public expense, the school district, without unnecessary delay, must either initiate a due process hearing, or ensure that an independent educational evaluation is provided at public expense. If you request an independent educational evaluation at public expense, the school district may ask you for a reason why you object to the district's evaluation; however, you are not required to give a reason, and the district may not unreasonably delay its response to your request.

If the independent educational evaluation is provided at public expense, the criteria, including the location of the evaluation and the qualifications of the examiner must be the same as those the school district uses when it initiates an evaluation. The school district may not impose any conditions or timelines for obtaining an independent educational evaluation at public expense other than those related to the location of the evaluation and the qualifications of the examiner.

If you have an independent educational evaluation conducted at your own expense, and the evaluation meets the school district's criteria for similar evaluations initiated by the district, the results of this evaluation:

- must be considered by the district in any decision regarding your child's free appropriate public education, and
- may be presented as evidence in a formal hearing (see "Hearings" section).

If an independent educational evaluation is requested by an Administrative Law Judge as part of a due process hearing, the evaluation must be at public expense.

## RECORDS

You have a right to:

- Receive a copy of the evaluation report and other documentation used to determine your child's eligibility for an exceptional student education program.
- Receive, upon your request, a list of the types of educational records kept on your child, where they are maintained, and how you can gain access to them.
- Inspect and review any of your child's records. The school must comply with your request to do so:

- without unnecessary delay,
- before an IEP meeting, a due process hearing, or any hearing related to your child's placement in an interim alternative educational setting, and
- within 30 days.

You have a right to:

- Have someone from the school district explain or interpret any item in your child's records.
- Receive copies of the records if this is the only way to ensure that you will be able to review and inspect them. The school district may charge a fee for the copies, if such a charge does not prevent you from inspecting and reviewing the records. The district may not charge a fee for the time needed to search for or collect the information.
- Have a representative inspect and review the records.

The school district may presume that you have the authority to inspect and review your child's records unless they have been informed that you do not have this right (for example, because of legal action such as a court order).

The school district is responsible for protecting the confidentiality of your child's education records by:

- Only releasing information with your consent, unless otherwise allowed by state or federal law.
- Permitting you to see only that information which relates to your child when records contain information on more than one child.
- Keeping a record of all persons (except parents and authorized officials) who have obtained access to educational records including the names, dates of access, and reasons for seeking access.

If you feel that any statements in your child's records are wrong or misleading, or violate the privacy of your child, you have a right to request a hearing to challenge this information. The school district must provide you with information on this process.

## MEDIATION

As a parent, you have the right to participate in mediation with the school district as an informal way to resolve disagreements between you and the district. The Florida Department of Education makes mediation available at no cost to you or the school district. Mediation:

- May be used to resolve disagreements relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education to your child, or whenever a due process hearing is requested.
- Is voluntary for both parties.
- Is conducted by a qualified and impartial mediator who has been trained in effective mediation techniques.
- Shall be scheduled in a timely manner and shall be held in a location that is convenient to both parties.
- Is confidential so that discussions which occur during the mediation process may not be used as evidence in due process hearings or civil proceedings.
- Shall not be used to deny or delay your right to a due process hearing, or to deny any other rights afforded to you.

Any agreements reached during the mediation will be put in writing and signed by both parties. The parties may be required to sign a confidentiality pledge prior to beginning the mediation.

A list of qualified and impartial mediators is maintained by the Florida Department of Education, and mediators are selected from that list on a rotating basis. Mediators may not be employees of school districts or other agencies which provide educational services to students with disabilities; however, a mediator is not considered an employee of a school district or other agency just because he or she is paid to serve as a mediator.

## HEARINGS

If, at any time, you cannot come to an agreement with the school district regarding your child's education, you and the school district have the right to ask for an impartial hearing. A hearing may be held on any matter relating to the identification, evaluation, or placement of your child, or the provision of a free appropriate public education to your child.

The hearing will be conducted for the Florida Department of Education by an impartial Administrative Law Judge from the Division of Administrative Hearings in accordance with the applicable Florida Statutes and State Board of Education Rules.

To obtain a hearing, you must provide a written request for a due process hearing to the superintendent of the school district. The school district office has a form that you can fill out regarding your request for a hearing. You can use this form to provide the following information:

- the name of your child;
- the address where your child lives;
- the name of the school that your child is attending;
- a description of the problem(s) you are having with the district, including the facts relating to the problem(s); and
- a proposed solution to the problem(s).

A district may not deny or delay your right to a hearing even if you fail to provide this information or use the form.

## ADMINISTRATIVE LAW JUDGES

An impartial Administrative Law Judge will be assigned to preside over due process hearings and arrive at a decision. The Administrative Law Judge may not be:

- An employee of a public agency (school district, institution, etc.) which is involved in the education or care of your child.
- Anyone who has a personal or professional interest which would conflict with their impartiality in the hearing.

A person who otherwise qualifies to conduct a hearing in accordance with previously stated guidelines is not considered to be an employee of the public agency simply because he or she is paid by the agency to be an Administrative Law Judge.

A list of persons who serve as Administrative Law Judges and their qualifications is available upon request.

## DUE PROCESS HEARING RIGHTS

Both you and the school district have the right to:

- Be accompanied and advised by legal counsel and by persons with special knowledge or training regarding the problems of exceptional students.
- Present evidence.
- Cross-examine and compel the attendance of witnesses.
- Receive copies of any evaluations, and recommendations based on the evaluations, which are intended to be used at the hearing, at least five business days prior to the hearing.
- Prohibit the introduction of evidence that had not been revealed to you or to the school district at least five business days before the hearing.

You also have a right to:

- Be told by the school district of free or low cost legal help and other relevant services which may be available in the area. The school or district must give you this information at any time you request it, or whenever a due process hearing is requested.
- Be told about the availability of mediation (however, since mediation is voluntary for both parties, the district has the right to choose not to participate in mediation).
- Have your child attend the hearing, if you wish.
- Open the hearing to the public, if you wish.
- Have the hearing conducted at a time and place reasonably convenient to you.
- Receive a copy of the record of the hearing and the Final Order issued by the Administrative Law Judge. You may request either written or electronic copies of the documents and they will be provided at no cost to you.

Within 45 days of receipt of your request for a hearing, the Administrative Law Judge must reach a final decision and mail you a copy of the decision. The Administrative Law Judge may grant a specific extension to this time period at the request of either party. The decision of the Administrative Law Judge is final, unless either you or the school board choose to appeal it.

After deleting any personally identifiable information, the Florida Department of Education transmits the Final Order to the State Advisory Committee for the Education of Exceptional Students and makes it available to the public.

## APPEALS OF DUE PROCESS HEARINGS

Following a due process hearing, either party, if not satisfied with the Administrative Law Judge's Final Order, has the right, within 30 days, to file an appeal and request a trial in the appropriate federal district court. The federal district court will: receive the records of the administrative proceedings; hear additional evidence at the request of a party; and, basing its decision on the preponderance of the evidence, grant the relief it determines to be appropriate. Alternately, either party, if not satisfied with the Administrative Law Judge's Final Order, has the right, within 30 days, to file an appeal and request a trial in the appropriate state court .The state circuit court shall: receive the records of the administrative proceedings; hear additional evidence at the request of a party; and, basing its decision on the preponderance of the evidence, grant the relief that it determines appropriate.

As another alternative, either party has the right to request the Final Order's review by the appropriate state district court of appeal pursuant to Section 230.23(4)(m) and Section 120.68 of the Florida Statutes. The district court of appeal may conduct a review of the Final Order.

## PLACEMENT DURING DUE PROCESS HEARINGS AND APPEALS

During the time that any administrative or judicial proceeding is taking place, your child is to remain in his or her present educational placement, unless you and the school district agree otherwise. If the dispute concerns the initial admission of your child to public school, then your child, with your consent, will be placed in a public school program until the completion of the proceedings. If an Administrative Law Judge agrees with you that a change of placement is appropriate, the new placement must be provided during the appeal process.

## ATTORNEYS' FEES

Only a district court of the United States or a state circuit court may award reasonable attorneys' fees as part of the costs to the parents of a child with disabilities who is a prevailing party in a due process hearing, or in a subsequent judicial proceeding.

A parent of a child with a disability who is a prevailing party in the due process hearing, or in a further proceeding, may bring an action in a federal district court or a state circuit court for attorneys' fees, within the time determined by law.

The court may deny a request for attorneys' fees for services performed after the district has made a written offer of settlement within the appropriate timelines if the parent did not accept the settlement within the appropriate timelines; and, the court determined that the relief finally obtained by the parents was not more favorable than the original settlement offer. However, attorneys' fees may be awarded if the parent was "substantially justified" in rejecting the offer.

Attorneys' fees may not be awarded for:

- individual educational planning meetings (unless the meeting is convened as a result of a due process hearing or other judicial action), or
- mediation that is held prior to the filing of a request for a due process hearing.

The court may reduce attorneys' fees if:

- the parents unreasonably prolonged the time it took to resolve the dispute,
- the attorneys' hourly rate or time spent in the proceedings was excessive, or
- the parents or their attorneys did not provide the district with the information listed in the section entitled, "Due Process Hearings," when the parents or their attorneys requested a due process hearing.

However, attorneys' fees may not be reduced if the State or school district unreasonably delayed resolution of the dispute or violated its obligation to provide procedural safeguards.

## DISCIPLINE

**Short Term Removals**

To the extent that children without disabilities would be disciplined, school district personnel may remove a child with disabilities when that child has violated the school district's Code of Student Conduct for up to ten consecutive or cumulative school days in a school year. The school district is not required to provide educational services during these removals.

**Long Term Removals**

The school district may also remove a child for more than ten cumulative days in a school year when the removal is not considered a pattern of exclusion. When determining whether or not there has been a pattern of exclusion, the following factors must be considered:

- the length of each removal,
- the total amount of time the child has been removed, and
- the proximity of the removals to one another.

Whenever a child is removed for more than ten days in a school year, the school district must provide the child with services to the extent necessary to enable him or her to appropriately progress in the general curriculum, and appropriately advance toward achieving the goals in the child's IEP.

If your child has been removed for more than ten school days and the removals constitute a pattern, the school district must notify you of this decision, provide you with a copy of the notice of procedural safeguards, and must convene an IEP meeting within ten business days of the removal. The IEP team will:

- Review, in terms of the behavior subject to disciplinary action, all relevant information.
- Determine the relationship between your child's disability and the misconduct.
- Determine, in relationship to the behavior subject to disciplinary action, if your child's IEP and services were appropriately implemented.
- Determine whether the child's disability impaired the ability of the child to understand the impact and consequences of the behavior and the ability to control the behavior subject to disciplinary action.
- Plan for a functional behavioral assessment and develop a behavioral intervention plan for your child to address the behavior which resulted in the removal, or review and modify, as necessary, an existing behavioral intervention plan.

If the IEP team determines that your child's behavior was not related to the disability then your child can be disciplined and served in a different setting in the same manner as nondisabled children. If the IEP team determines that your child's behavior was caused by the disability then your child cannot be moved to a different setting unless the IEP team has determined that it is the most appropriate placement.

If you disagree with the decisions made, you have the right to request an expedited due process hearing.

**Interim Alternative Educational Settings**

An interim alternative educational setting (IAES) is a different location where educational services are provided for a specific time period due to disciplinary reasons. The IAES must be determined by the IEP team and must be selected so as to enable the child with a disability to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable him or her to meet IEP goals. The IAES must also include services and modifications to address the behavior which resulted in the removal and that are designed to prevent the misconduct from recurring.

If your child, as a student with a disability:

- carries a weapon to school or to a school function or possesses a weapon at school or at a school function, or
- knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function,

the school district may place your child in an IAES for up to 45 calendar days without your written consent. When the decision to place your child in an IAES has been made, the school district must notify you of this decision that day, and provide you with a copy of the notice of procedural safeguards. The school district must also follow all of the procedures described above under "Long Term Removals."

If you disagree with the decision and request an expedited due process hearing, during the pendency of the hearing, your child will remain in the IAES placement unless you and the school district agree otherwise, or until the 45-day time period expires.

A school district can request, through an expedited hearing, that a hearing officer (Administrative Law Judge) place a child in an IAES for up to 45 calendar days, if the school district believes that the child is dangerous to self or others. A school may seek subsequent expedited hearings and alternative placements if after the first 45-day term has expired, the school district maintains the child is still dangerous.

**PRIVATE SCHOOL PLACEMENTS**

The school district is not required to pay for the cost of the education, including special education and related services, for a child with a disability at a private school or facility if the district has made a free appropriate public education available to the child, and the parents elect to place the child in a private school or facility. However, an Administrative Law Judge may require the school district to reimburse parents for the cost of a private school if the Administrative Law Judge finds that the school district had not made FAPE available to the child in a timely manner and the private placement is appropriate.

If you wish to ask an Administrative Law Judge to require the school district to fully reimburse you for the cost of placing your child in a private school or facility, you must have informed the school district that you were rejecting its proposed placement and stated your concerns and intent to enroll your child in a private school at public expense. You may do this by telling the IEP team of your decision at the most recent IEP meeting you attended prior to removing the child from the public school, or by giving the school district written notice at least ten business days prior to the removal of your child from the public school.

An Administrative Law Judge may require the school district to reimburse you for the costs of the private school if you failed to comply with the notice requirements because:

- You are unable to read and write, or cannot write in English.
- Complying with these requirements would have resulted in physical or serious emotional harm to your child.
- The school district prevented you from providing notice.
- The school district failed to inform you of your obligation to notify the school district.

If you are seeking reimbursement, you must also make your child available for an evaluation if, prior to your removal of your child from the public school, the school district notified you of its intent to evaluate your child.

**STATE COMPLAINT PROCEDURES**

If you believe that a school district or other public agency has violated any of the requirements of the Individuals with Disabilities Education Act, you may file a formal written complaint. There are two ways you may file your complaint. You may file a written complaint with your school district's superintendent ("Local Education Agency" complaint), or you may file it with the Florida Department of Education ("State Education Agency" complaint). In either case, your written complaint must:

- Include a statement which describes how a requirement of the Individuals with Disabilities Education Act has not been met.
- Include an explanation of the facts on which the statement is based.
- Allege a violation that occurred within one year prior to the date when the complaint is filed unless: the violation is continuing, or you are requesting compensatory services for a violation which occurred within three years of the date when the complaint is filed.

**Local Education Agency Complaint**

If you choose to file a complaint with the superintendent in your school district, you must provide the superintendent with a written complaint which meets the requirements listed above. Within five days from the time the superintendent receives your complaint, the district will notify the Florida Department of Education that it has received your complaint. The district may offer you mediation to resolve the concerns raised in your complaint. Within 25 days of the receipt of your complaint, the superintendent will provide you with a written response detailing the results of the district's inquiry. If you disagree with the results, you may appeal the district's response by writing to the Florida Department of Education.

**State Education Agency Complaint**

State complaints may be filed by sending a written complaint as described above to: Chief, Bureau of Instructional Support and Community Services, Florida Department of Education, Turlington Building, Room 614, 325 West Gaines Street, Tallahassee, Florida 32399-0400. Upon receipt of your formal complaint, the Bureau will advise you of your right to mediation. During the complaint process, the Bureau give you an opportunity to submit additional information (either orally or in writing) about the allegations in your complaint and review all relevant information. An on-site visit may be made, if necessary. Within 60 days after the date of the complaint, a written independent decision will be issued. The decision will contain findings of fact, conclusions, and reasons for the decision. If appropriate, the final decision will include procedures for implementation of the decision. The 60-day timeline may be extended if exceptional circumstances exist.

If any of the issues contained in a complaint are also the subject of a due process hearing, those issues will be set aside until the conclusion of the hearing. Other issues will be resolved using the procedures described above. If an issue is raised in a complaint that has previously been decided through a due process hearing, the Administrative Law Judge's decision is final and will not be re-considered through the complaint procedure.

***This sample notice has been revised consistent with the final regulations implementing the 1997 Amendments to the Individuals with Disabilities Education Act (IDEA) and provided to all Florida school districts and public agencies providing education and related services to children with disabilities. The sample notice was developed and disseminated by the Florida Department of Education, Division of Public Schools and Community Education, Bureau of Instructional Support and Community Services.***

**SAMPLE**

**CONFERENCE ON OFF-CAMPUS FELONIOUS ACT**

FROM: 9724
DIST: @ALLSCHL

DATE:_____
TIME:

*SPAR#_____
TO: DIVISION OF ALTERNATIVE EDUCATION: 9724
FROM: SCHOOL NUMBER _____PRINCIPAL SCHOOL NAME:_____
SUBJECT: CONFERENCE ON OFF CAMPUS FELONIOUS ACT

A CONFERENCE WAS HELD WITH_____
_____REGARDING AN OFF CAMPUS FELONY. THIS STUDENT HAS BEEN CHARGED WITH:_____
_____
_____

PLEASE BE ADVISED THAT I AM RECOMMENDING IMMEDIATE SUSPENSION FROM THIS SCHOOL UNTIL FINAL ADJUDICATION.

CC: REGION OFFICE
*MIAMI-DADE SCHOOLS POLICE DEPARTMENT INCIDENT REPORT

Miami-Dade County Public Schools
Giving our students the world

# RECOMMENDATION OF SUSPENSION FOR THE COMMISSION OF AN OFF CAMPUS FELONIOUS ACT OR AN OFF CAMPUS DELINQUENT ACT WHICH WOULD BE A FELONY IF COMMITTED BY AN ADULT

Miami-Dade County, Florida _____ 20____

To _____

Student _____
*(Last)* *(First)* *(Middle)*

_____
*(No./Street)* *(City) (Zip Code)*

School _____ Grade _____

ID No. _____ Ethnicity _____ Sex ____ SCM No. _____ SPAR No._____

This is to advise you that in accordance with Section 232.26 (2), F.S., which states:

> "Suspension proceedings, pursuant to rules of the State Board of Education, may be initiated against any pupil enrolled as a student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents or legal guardian or custodian of such pupil by the principal of the school pursuant to rules promulgated by the State Board of Education and to rules developed pursuant to s. 231.085, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any pupil who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed 10 days, as determined by the superintendent. Such suspension shall not affect the delivery of educational services to the pupil, and the pupil shall be immediately enrolled in a daytime alternative education program, or an evening alternative education program, where appropriate. If the court determines that the pupil did commit the felony or delinquent act which would have been a felony if committed by an adult, the school board shall have the authority to expel the student provided that the expulsion under this subsection shall not affect the delivery of educational services to the pupil in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting. Any pupil who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 may be entitled to a waiver of the discipline or expulsion."

I am recommending that your child be suspended from school as a result of _____

_____

_____

_____

A hearing has been scheduled for _____ _____, _____ at which time you and
*(Month)* *(Day)* *(Time)* *(Year)*
your child may speak to the charges and call any witnesses which may assist you. You may also bring a representative or attorney.

Following this hearing, you will receive, in writing, a decision concerning the recommended suspension.

It is the parent's responsibility to notify the school of final adjudication.

If you have any questions, please call _____.

Sincerely,

_____
Signature of Principal

Copies of this notice shall be sent to:

1.Division of Alternative Education
1.Filed in the Cumulative Record Folder

FM-3177 Rev. (08-00)

**SAMPLE**

**ACTION FOLLOWING ADJUDICATION FOR AN OFF-CAMPUS FELONIOUS ACT**

TO: _____ PAGE: 1

FROM: 9724 DATE:

SUBJECT: ID# _____ NAME _____ TIME:

TO SCHOOL NUMBER: _____PR SCHOOL NAME_____

FROM DISTRICT DIRECTOR

DIVISION OF ALTERNATIVE EDUCATION: 9724

SUBJECT: ACTION FOLLOWING ADJUDICATION FOR AN OFF CAMPUS FELONIOUS ACT

THE FOLLOWING ACTION HAS BEEN TAKEN IN REGARD TO THE REFERENCED STUDENT:

[ ] A. RETURNED TO THE SENDING SCHOOL

[ ] B. RECOMMENDED FOR EXPULSION WITH A WORK BACK PROGRAM OPTION

[ ] C. RECOMMENDED FOR EXPULSION WITHOUT WORK BACK.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CALL DISTRICT DIRECTOR, ALTERNATIVE EDUCATION PLACEMENT AT 305-995-1734.

CC: REGION OFFICE

END OF MESSAGE

---

SELECT FUNCTION: ( ) MAIL NUMBER: ( ) CURRENT MSG#:

FILE CATEGORY: ( ) ( ) ( )

**SAMPLE**

**OPPORTUNITY SCHOOL ASSIGNMENT - ADMINISTRATIVE**

SUBJECT: ID#_____ NAME_____ RQST ADM

FROM: 9724
DIST: @ALLSCHL

DATE:_____
TIME:_____

*SPAR#_____
TO: DIVISION OF ALTERNATIVE EDUCATION: 9724
FROM SCHOOL NUMBER: _____ PR SCHOOL NAME:_____
SUBJECT: OPPORTUNITY SCHOOL ASSIGNMENT - ADMINISTRATIVE
_____NAME OF PARENT/GUARDIAN _____ PHONE
_____ADDRESS OF STUDENT (INCL. ZIP)
_____ GRADE OF STUDENT _____ DATE OF BIRTH OF STUDENT
_____ SCM # FOR THIS REFERRAL ACTION
REASON (S) : (ENTER 1, 2, AND/OR 3) 1. DISRUPTIVE 2. EXCESSIVE ATTENDANCE PROBLEMS 3. UNSUCCESSFUL (AS DEFINED IN PROCEDURES DOCUMENT)
____ THIS IS AN OFFICIAL REQUEST FOR THE ADMINISTRATIVE ASSIGNMENT OF THE ABOVE CAPTIONED STUDENT TO THE OPPORTUNITY SCHOOL PROGRAM.
THE SCHOOL HAS COMPLIED WITH ALL SCHOOL BOARD PROCEDURES/ DIRECTIVES RELATIVE TO THE ASSIGNMENT.
*MIAMI-DADE SCHOOLS POLICE DEPARTMENT INCIDENT REPORT

**SAMPLE**

## VOLUNTARY TRANSFER TO THE OPPORTUNITY SCHOOL PROGRAM

## WRITTEN PARENTAL PERMISSION

This is to verify that I have participated in the assessment of my child's performance in this school and agree that transfer to the Opportunity School Program may serve his/her best interest and future growth. I understand that this is a request and the staff of the Division of Alternative Education will make the final decision. I further understand that I have the right to transfer my child from the Opportunity School Program to the traditional school program at the beginning of any school year.

Name of Student:_____ Date: _____

Name of School: _____

_____ _____ _____

Parent(s)/Guardian(s) Signature Date Student's Counselor Date

_____

(parent/guardian, student, counselor, etc)

_____

Principal's Signature Date

Witness: _____

Date

FM-3666 Rev. (09-01)

**SAMPLE**

## REQUEST FOR OPPORTUNITY SCHOOL ASSIGNMENT - VOLUNTARY

SUBJECT: ID#_____NAME_____RQST ADM

FROM: 9724
DIST:@ALLSCHL

DATE: _____
TIME: _____

*SPAR#_____

TO: DIVISION OF ALTERNATIVE EDUCATION: 9724
FROM SCHOOL NUMBER:_____ SCHOOL NAME:_____
SUBJECT: REQUEST FOR OPPORTUNITY SCHOOL ASSIGNMENT - VOLUNTARY
_____ADDRESS OF STUDENT (INCL. ZIP)
_____NAME OF PARENT/GUARDIAN _____PHONE
_____SCM # FOR THIS REFERRAL ACTION_____GRADE_____DATE OF BIRTH
THIS IS AN OFFICIAL REQUEST FOR THE VOLUNTARY ASSIGNMENT OF THE ABOVE CAPTIONED STUDENT TO THE OPP. SCHOOL PROGRAM. THE SCHOOL HAS COMPLIED WITH ALL SCHOOL BOARD PROCEDURES/DIRECTIVES RELATIVE TO THE ASSIGNMENT.----TO BE COMPLETED BY THE DIVISION OF ALTERNATIVE EDUCATION
---- _____(V) ALL SENDING SCHOOLS/REGION ESE OFFICES SHALL NOTIFY THE OPP. SCHOOLS OF SPECIALIZED SERVICES NEEDED BY SPEECH/HEARING IMPAIRED STUDENTS.

/STUDENT MUST NOT BE WITHDRAWN UNTIL REGISTERED IN THE OPP. SCHOOL\
CC: REGION OFFICE, DEPARTMENT OF TRANSPORTATION, OPP. SCHOOL

Miami-Dade County Public Schools
giving our students the world

Miami-Dade County, Florida _____ 20 _____

# NOTICE OF 10-DAY SUSPENSION CONSIDERATION OF EXPULSION

TO _____ STUDENT _____
(Last) (First) (Middle)

_____ SCHOOL _____ GRADE _____
(Number & Street) (City) (Zip Code)

ID No. _____ SCM No. _____ SPAR No. _____ ETHNICITY _____ SEX ____

This is to inform you that the above-named student has been suspended from school for a period of ten (10) days, effective _____ through _____.

This action is being taken as a result of _____

_____

_____

In view of the seriousness of this matter and on the basis of the facts which have thus far been presented to me, I am recommending to the Superintendent that your child be expelled from MIAMI-DADE COUNTY PUBLIC SCHOOLS. In lieu of expulsion, the Superintendent may assign your child to an alternative educational program. If expelled, your child may be assigned to the Work Back Program.

We have informally discussed the misconduct with your child who has been presented with the evidence. Also, your child has been given an opportunity to present his/her side of the story.

Attached is a copy of your child's Student Case Management Record showing other incidents (if any) and the school's attempt(s) to provide help.

You and your child have a right to an informal hearing on the matter of the ten (10) day suspension and my recommendation for expulsion. You may arrange a hearing by calling the school at the number indicated below.

Please be advised that your failure to respond to this letter and to avail yourself of the opportunity to be heard in the manner provided will signify your desire not to have a hearing and your agreement with the proposed action.

If a hearing is requested, you will be given an opportunity to present any facts or reasons, orally or in writing, which in your opinion relate to your child's suspension. The purpose of a hearing is to afford you an opportunity to present your child's side of the matter and to enable me to evaluate all the evidence, including your reasons for believing that the penalty is excessive or unwarranted. All witnesses whom you have to support your version on the facts should be brought by you to the hearing. If any such witness is a student or school employee, please let me know, by letter or telephone, the day before the hearing, in order that such person(s) may be requested to be available at the hearing. If you wish a summary of the witness's(es) testimony, please advise this office so that this information can be supplied.

At the conclusion of this hearing, I will determine what action should be taken in regard to the ten (10) day suspension and the recommendation for expulsion.

If you have any questions regarding the **Notice of 10-Day Suspension and Consideration of Expulsion**, please contact this office immediately. Our telephone number is:_____.

_____
Signature of Suspended Student

_____
Signature of Principal or Designee

**A copy of this notice shall be filed in the student's Cumulative Record Folder.**



FM-1582E Rev. (09-00)

**SAMPLE**
**EXPULSION REQUEST**

SUBJECT: ID # _____ _____ SEX ____ ETH ____

TO: DIVISION OF ALTERNATIVE EDUCATION - 9724
FROM: SCHOOL NUMBER _____PRINCIPAL_____ SCHOOL NAME: _____
SUBJECT: EXPULSION REQUEST

_____ EXCEPTIONAL EDUCATION STUDENT (Y/N)
_____ ADDRESS OF STUDENT (INCL ZIP)
_____ NAME OF PARENT_____PHONE
_____ GRADE OF STUDENT
_____ DATE OF BIRTH OF STUDENT
_____ SCM # FOR THIS REFERRAL ACTION

_____ RECOMMENDED ACTION (EXPULSION, WAIVER)
_____ CODE OF CONDUCT GROUP VIOLATIONS:
(GROUP I, II, III, IV, V OR VI)

_____ WEAPON INVOLVED (Y/S)
_____DESCRIPTION
_____ DRUG INVOLVED (Y/N)
_____DESCRIPTION, AMOUNT
_____ CONFISCATED BY (SCHOOL, POLICE, SECURITY)
_____ ANALYSIS CONFIRMED SUBSTANCE TO BE
_____ INCIDENT DATE
_____ INCIDENT TIME
_____ INJURY INVOLVED (Y/N)
_____DESCRIP, EXTENT OF INJ
_____
_____ EXTENT OF MEDICAL ATTENTION (NONE, FRST AID, EMER RM, HOSP, N DAYS)
_____ DATE INJURED STUDENT RETURNED TO SCHL, OR HAS NOT RET
_____ * SPAR #
_____ MIAMI-DADE SCHOOLS POLICE CALLED (Y/N)
_____ POLICE CALLED (Y/N) IF YES, CASE NUMBER.
_____ OFFENDER APPREHENDED (Y/N)

ID # OF VICTIM(S)

_____ RELEASED TO PARENTS, TAKEN TO YOUTH HALL, OR WARNED
_____
_____

| ID # OF CO-OFFENDERS | ACTION TAKEN |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

| ID # OF WITNESS(ES) | NAME(S) OF NON-STUDENT WITNESS |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

*** ... CONTINUED ***

FULL DESCRIPTION OF THE INCIDENT RELATIVE TO THIS OFFENSE (PREVIOUS SCHOOL HISTORY WILL BE TAKEN FROM SCM):

DATE OF INCIDENT: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

*MIAMI-DADE SCHOOLS POLICE DEPARTMENT INCIDENT REPORT

(ADD ADDITIONAL PAGE IF NECESSARY)

***END OF MESSAGE***

## WORK BACK PROGRAM GUIDELINES FOR RECOMMENDED LENGTH OF AGREEMENT BASED UPON SPECIFIC INFRACTIONS

| CURRENT OFFENSE(S) | MINIMUM NUMBER OF WEEKS IN WORK BACK PROGRAM |
|---|---|
| I. **CONTINUOUS DISRUPTIVE BEHAVIOR** | 18 |
| I. **ASSAULTS AND/OR BATTERY** | |
| A. **Assault (threat)** | |
| 1) Student | 18 |
| 2) Staff | 27 |
| B. **Battery without injury** | |
| Student | 18 |
| C. **Battery causing minimal injury** | |
| Student | 27 |
| D. **Battery causing moderate injury** | |
| Student | 32 |
| III. **POSSESSION OF WEAPON (Excluding Firearm)** | |
| A. **Possession of weapon – did not display** | 18 |
| B. **Possession of weapon – did display** | 32 |
| IV. **ROBBERY** | |
| A. **No Weapon – no injury** | 27 |
| B. **No Weapon – injury** | 32 |
| V. **MOOD MODIFIERS** | |
| A. **Possession** | |
| 1) Marijuana | 27 |
| 2) Quaaludes, pills, capsules | 27 |
| 3) Other mood modifiers (except cocaine) | 27 |

| CURRENT OFFENSE(S) | MINIMUM NUMBER OF WEEKS IN WORK BACK PROGRAM |
|---|---|
| **B. Possession and distribution (passing to another for no profit or gain)** | |
| 1) Marijuana | 27 |
| 2) Other mood modifiers (except cocaine) | 27 |
| **C. Possession, distribution and sale or exchange, for something of value** | |
| 1) Marijuana | 32 |
| 2) Other mood modifiers (except cocaine) | 32 |
| **D. Cocaine possession in any amount** | |
| 1) Enrollment in, and completion of, Substance Abuse Program | 32 |
| 2) Without completion of Substance Abuse Program | No Work |
| **VI. ARSON OR VANDALISM** | |
| A. Damage $500 or less | 18 |
| B. Damage over $500 but less that $1,000 | 27 |
| C. Damage $1000 or over | 32 |
| **VII. SEX OFFENSE** | |
| A. Lewd and/or Lascivious Behavior | 27 |
| B. Sexual Harassment | 32 |

MIAMI-DADE COUNTY PUBLIC SCHOOLS
OFFICE OF EXCEPTIONAL STUDENT EDUCATION AND PSYCHOLOGICAL SERVICES

# SUSPENSION/EXPULSION OF EXCEPTIONAL STUDENTS MANIFESTATION DETERMINATION FORM

Date of IEP Meeting: _____

Student Name: _____ ID#: _____ D.O.B.: _____

Exceptionality: _____ School: _____

Date of Incident: _____ Grade Level: _____ Code of Student Conduct Violation: _____

Description of Incident (include all relevant details plus antecedents): _____

_____

_____

I. IS THE STUDENT'S CURRENT PLACEMENT/PROGRAM MODEL APPROPRIATE?

- Current program model: _____
- Date of most recent evaluation: _____
- Does existing evaluation address current areas of educational concern? ❑ yes ❑ no
  If no, what additional information is needed? _____
- Date of FAB: _____ Date of BIP: _____
- Date BIP implemented: _____
- Date of last IEP: _____
- Are behavioral goals based upon the BIP included in the IEP? ❑ yes ❑ no
  If yes, do they address the behavior subject to disciplinary action? ❑ yes ❑ no
  Is there a record of the behavior subject to discipline? ❑ yes ❑ no
  If yes, list the sources of information: (e.g., SCMS)
- Is the current placement appropriate to meet the student's needs? ❑ yes ❑ no

After reviewing the above relevant information and considering the nature and extent of the student's disability, the IEP team has determined: ❑ the student's present IEP and placement/program model is appropriate
❑ the student's present IEP and placement/program model is **NOT** appropriate

II. DOES THE STUDENT HAVE THE ABILITY TO UNDERSTAND THE IMPACT AND CONSEQUENCES OF HIS/HER BEHAVIOR?

- Has the student received information regarding the Code of Student Conduct prior to the incident? ❑yes ❑ no
- Has the student expressed an understanding that this or similar conduct is wrong? ❑ yes ❑ no
- Has the student expressed an understanding of the consequences of this or similar behavior? ❑ yes ❑ no

After viewing the above relevant information, and considering the nature and extent of the student's disability, the IEP team has determined that at the time of the offense the student was:
❑ able to understand the impact and consequences of his/her behavior.
❑ **NOT** able to understand the impact and consequences of his/her behavior.

III. DOES THE STUDENT HAVE THE ABILITY TO CONTROL HIS/HER BEHAVIOR?

- Is this an isolated instance of this specific behavior? ❑ yes ❑ no

- At the time of the incident, were there any present psychological traumas and/or social events unrelated to the disability (e.g., illness, death, family conflict, substance abuse)? ☐ yes ☐ no

- Are there any indications that the specific behavior was impulsive? ☐ yes ☐ no
  Calculated? ☐ yes ☐ no

- Pertinent medical information (diagnosis, medication): _____

  _____

After reviewing the above relevant information, and considering the nature and extent of the student's disability, the IEP team has determined that at the time of the offense, the student was:

☐ able to control this specific misbehavior.
☐ **NOT** able to control this specific misbehavior.

IV. MANIFESTATION STATEMENT

In order for the IEP team to make a decision that the student's behavior was **NOT** a manifestation of the student's disability, the team must find:

☐ The student's IEP and placement/program model are appropriate.

☐ The special education services, supplementary aids and services, and behavior intervention strategies are consistent with the student's IEP and placement.

☐ The student had the capacity to understand the impact and the consequences of the behavior subject to disciplinary action according to the Code of Student Conduct.

☐ The student's disability did not impair his/her ability to control the behavior subject to disciplinary action.

**THEREFORE:** (check the appropriate box)

☐ It has been determined that the conduct is a manifestation of the student's disability, therefore, the IEP team must consider additional intervention plans and other resources designed to address the student's behavior. The student must be provided access to a Free Appropriate Public Education (FAPE) for any additional suspensions.

☐ It has been determined that the conduct is **NOT** a manifestation of the student's disability, therefore, the relevant disciplinary procedures applicable to students without disabilities may be applied, providing the student continues to receive FAPE.

Suspension/Expulsion Recommendation: _____

_____

_____

SIGNATURES:

| | |
|---|---|
| LEA Representative: _____ | Parent: _____ |
| ESE Teacher: _____ | Parent: _____ |
| Regular Ed Teacher: _____ | Student: _____ |
| Evaluation Specialist: _____ | Other: _____ |
| Other: _____ | Other: _____ |

cc: Division of Alternative Education (for expulsion only)
Office of Exceptional Student Education and Psychological Services Student's IEP

FM-3918 (Rev. 10-00)

**SAMPLE**

ATTENDANCE/CREDIT APPEAL FORM

(Student is to complete this section)

Student's Name _____ Date _____

Grade_____ Section _____

Parent/Guardian _____ Phone _____

Course(s)/Periods Being Appealed _____

_____

This section is to be completed by each teacher of a course that is being appealed provided the student is currently earning a passing grade. In the event that all courses are being appealed because of an extended medical absence(s), only the school attendance clerk is to complete this section.

Teacher _____ Date of Absence _____

Teacher _____ Date of Absence _____

Teacher _____ Date of Absence _____

**TEACHERS ARE TO CIRCLE ALL UNEXCUSED ABSENCES**

**STUDENT IS TO COMPLETE THE FOLLOWING ACCOUNTING FOR ALL ABSENCES LISTED ABOVE**

Date _____ Reason _____

Date _____ Reason _____

Date _____ Reason _____

Date _____ Reason _____

MEMORANDUM

Date _____

TO: All Principals and Teachers

FROM: Merrett R. Stierheim, Superintendent of Schools

SUBJECT: ADMINISTRATIVE DIRECTIVE REGARDING TEACHER-PARENT COMMUNICATION

The contract between Miami-Dade County Public Schools and the United Teachers of Dade (UTD) contains a provision in Article XX, Section 11, on the subject of Teacher-Parent Communication.

This provision illustrates the importance that the School Board, management, and the Union attach to effective teacher-parent communication. The contractual language urges that teacher-parent conferences take place when students are in need of academic strengthening and when it is determined that the student possesses unique academic potential. Teacher-parent conferences shall occur when students begin to display a consistent pattern of disruption or when students demonstrate unacceptable academic achievement through failure to exert sufficient effort. The principal will exclude from class, for a period not to exceed 10 days, a student who has displayed a consistent pattern of disruption until a teacher-parent conference is held or until the principal determines such a conference cannot or need not be held.

Teachers are encouraged to initiate teacher-parent contacts when, in their professional judgement, such contact would enhance student performance. Teachers will make a reasonable effort to respond to parental requests for a parent conference in a timely manner. Provision should be made to provide translators for non-English speaking parents.

Principals and teachers should make every effort to ensure that teacher-parent conferences are well-planned and meaningful experiences that adhere to the highest professional standards. Where personal conferences are not possible, written or telephone communications should adhere to the same high standards. All teacher-parent conferences must be appropriately recorded.

The contract also contains a provision requiring teachers to send "Interim Progress Reports" to all parents at least two weeks prior to the end of each grading period.

The guidelines of Article XX, Section 11, are to be included in the school's faculty handbook and discussed thoroughly with staff members prior to the opening of the school year.

_____ MRS

MRS:

cc: School Board Members
Superintendent's Distribution List B

**SUICIDE PREVENTION**
**SAMPLE LETTER TO PARENTS**

Date _____

Dear (Parent/Guardian)

After our recent conference, I want you to know that I am very concerned for your child's welfare. The implied or actual threats by your child to harm himself/herself are indicators of possible serious problems.

Because of my concern, I again want to recommend strongly that you seek immediate professional treatment for your child. If you would like help in locating an agency or a professional to provide you and your child with assistance, please call (school contact person) at (phone number).

The school counselor will continue to be available to provide follow-up counseling with your child while he/she is under professional treatment. It is anticipated, however, that your child may not be able to participate fully in his/her classes while he/she may still be experiencing the pressures that might have influenced self-destructive behavior. I urge you to take action immediately and hope the action you choose will result in a speedy adjustment for your child.

If I can be of further assistance, please telephone me at (school's phone).

Sincerely,

Principal's Name

**SUICIDE PREVENTION**
**SAMPLE LETTER TO PARENTS**

Fecha _____

Estimado (padre o tutor):

Después de nuestra reciente reunión, me es preciso informarle que me preocupa el bienestar de su hijo. Las supuestas o tangibles intenciones de su hijo de hacerse daño son señales de posibles problemas serios.

Debido a esta preocupación, quiero recomendarle firmemente que busque ayuda profesional para tratar a su hijo. En caso de necesitar ayuda de una agencia o de un prefesional, sírvase comunicarse con (nombre de la persona en la escuela) al (teléfono).

El consejero escolar continuará disponible para su hijo mientras el mismo se encuentre bajo tratamiento profesional. Es de esperar que su hijo no podrá participar de las clases en su totalidad mientras se encuentre bajo las presiones de una conducta autodestructiva. Le ruego tome acción cuanto antes y sepa usted que es mi deseo que su gestión resulte en un rápido restablecimiento de su hijo.

En caso de alguna otra ayuda, tenga la bondad de llamarme al (teléfono de la escuela).

Atentamente,

Nombre del director

**SUICIDE PREVENTION**
**SAMPLE LETTER TO PARENTS**

Dat _____

Chè paran/gadyen:

Apre dènye konferans nou te genyen an, mwen vle fè w konprann jan m te reflechi sou sa ki pi bon pou pitit ou. Menas pitit ou te fè pou fè tèt li mal ak enplikasyon sa li te di sou sa, se siy li kapab genyen kèk pwoblèm trè serye.

Pwoblèm sa yo tèlman konsène m, m ap rekòmande w ankò pou w ale wè yon ak timoun nan. Si w ta vle chèche yon ajans pou ede pitit ou, fè nou knonnen tousuit. Souple kontakte **(Name of person)**, Nan nimewo **(Telephone#)**.

Konseye ki nan lekòl la ap kontinye travay avèk li pou dirije l pandan l ap wè doktè a. Nou kwè pandan peryòd sa a timoun nan pap kabap vini lekòl pou li patisipe nan tout aktivite yo. Se yon moman ki difisil pou timoun nan. M ap mande w pou w pran pwoblèm sa yo oserye, epi nou espere desizyon sa a, va kontribye a gerizon timoun nan.

Si m kab ede w nenpòt lòt jan souple, kontakte-m oswa rele m nan nimewo telefòn lekòl la.

Ak tout respè,

Direktè (tris)

# Miami-Dade County Public Schools

giving our students the world

**Superintendent of Schools**
*Rudolph F. Crew, Ed.D.*

**Miami-Dade County School Board**
*Dr. Michael M. Krop, Chair*
*Dr. Robert B. Ingram, Vice Chair*
*Agustin J. Barrera*
*Frank J. Bolaños*
*Frank J. Cobo*
*Perla Tabares Hantman*
*Betsy H. Kaplan*
*Dr. Marta Pérez*
*Dr. Solomon C. Stinson*

September 17, 2004

Dear Parent/Guardian:

The State of Florida, in response to the Jimmy Ryce tragedy, amended the Sexual Predators Act, requiring that all individuals designated as sexual predators "register within 48 hours after entering the county of permanent or temporary residence. Temporary residence includes a stay of two or more weeks." Florida law requires that local law enforcement notify the community, in order to comply with the Florida Statutes. The Miami-Dade Police Department is responsible for notifying each licensed day care center, elementary school, middle school, and high school within a one mile radius of the presence of the sexual predator with temporary or permanent residence in Miami-Dade County.

As a result of this law, Miami-Dade County Public Schools has agreed to work with law enforcement agencies to assist in the notification process. During the course of the school year, you will be receiving letters from your child's principal informing you that a sexual predator has moved into Miami-Dade County. When you receive these letters, I hope that you will seek to provide protection to your child by reviewing safety precautions with him or her at home. If you are in need of additional resources for educating your child on safety measures, we encourage you to contact your school or visit the following websites, Florida Department of Law Enforcement Guide Lights to Protect Your Child's Safety located at http://www.fdle.state.fl.us/publications/child_safety.asp and the National Center for Missing and Exploited Children located at http://www.missingkids.com/. If you have any doubts regarding how to handle the situation with your child or need additional information about sexual predators in general, please contact your local law enforcement agency.

The efforts of the school system, combined with yours and those of local law enforcement agencies, will help enhance the safety of our children. Your cooperation is greatly appreciated.

Sincerely,

Rudolph F. Crew, Ed.D.
Superintendent of Schools

RFC:tpr

cc: School Board Members
All work locations



***School Board Administration Building*** *• 1450 N.E. 2nd Avenue • Miami, Florida 33132*
*305-995-1430 • Fax 305-995-1488 •* ***www.dadeschools.net***

# Miami-Dade County Public Schools

giving our students the world

**Superintendent of Schools**
*Rudolph F. Crew, Ed.D.*

**Miami-Dade County School Board**
*Dr. Michael M. Krop, Chair*
*Dr. Robert B. Ingram, Vice Chair*
*Agustin J. Barrera*
*Frank J. Bolaños*
*Frank J. Cobo*
*Perla Tabares Hantman*
*Betsy H. Kaplan*
*Dr. Marta Pérez*
*Dr. Solomon C. Stinson*

17 de septiembre de 2004

Estimados padres de familia o tutores:

El estado de la Florida, en respuesta a la tragedia de Jimmy Ryce, enmendó la Ley de los Depredadores Sexuales, ordenando que todos los individuos que han sido señalados como depredadores sexuales "se inscriban en un plazo de 48 horas al llegar al condado en el que residirán de forma permanente o temporal. La residencia temporal implica una estancia de dos o más semanas." La ley de la Florida estipula que la agencia local del cumplimiento de la ley notifique a la comunidad, para cumplir con los Estatutos de la Florida. El Departamento de Policía de Miami-Dade tiene la responsabilidad de notificar a cada uno de los centros de cuidado infantil diurnos con licencia y a las escuelas primarias, intermedias y secundarias "senior" situados en un radio de una milla de la presencia del depredador sexual con residencia temporal o permanente en el Condado de Miami-Dade.

Como resultado de dicha ley, las Escuelas Públicas del Condado de Miami-Dade han acordado trabajar con las agencias del cumplimiento de la ley para asistir en el proceso de notificación. En el transcurso del año escolar, recibirán cartas de los directores de las escuelas de sus hijos informándoles cuando un depredador sexual se mude al Condado de Miami-Dade. Cuando reciban dichas cartas, esperamos que procuren proteger a sus hijos repasando con ellos las precauciones de seguridad en sus hogares. Si necesitasen recursos adicionales para educar a sus hijos en cuanto a las medidas de seguridad, les animamos a que se pongan en contacto con sus escuelas o visiten los sitios "web" siguientes: FDLE's Guide Lights to Protect Your Child's Safety (Directrices de FDLE para proteger la seguridad de sus hijos), situado en http://www.fdle.state.fl.us/Publications.childsafety.asp. y el National Center for Missing and Exploited Children (Centro Nacional en Pro de los Niños Desaparecidos y Explotados), situado en http://www.missingkids.com/. Si tuviesen dudas en cuanto a cómo afrontar la situación con sus hijos o necesitasen información adicional acerca de los depredadores sexuales en general, por favor, comuníquense con la agencia local del cumplimiento de la ley.

Los esfuerzos del sistema escolar unidos a los suyos propios y los de las agencias locales del cumplimiento de la ley ayudarán a mejorar la seguridad de nuestros niños. Agradeceremos mucho su cooperación.

Atentamente,

Rudolph F. Crew, Ed.D.
Superintendente de Escuelas

RFC:tpr

cc: Miembros de la Junta Escolar
Todos los centros de empleo

**School Board Administration Building** • *1450 N.E. 2nd Avenue • Miami, Florida 33132*
*305-995-1430 • Fax 305-995-1488 •* ***www.dadeschools.net***

# Miami-Dade County Public Schools

giving our students the world

**Superintendent of Schools**
*Rudolph F. Crew, Ed.D.*

**Miami-Dade County School Board**
*Dr. Michael M. Krop, Chair*
*Dr. Robert B. Ingram, Vice Chair*
*Agustin J. Barrera*
*Frank J. Bolaños*
*Frank J. Cobo*
*Perla Tabares Hantman*
*Betsy H. Kaplan*
*Dr. Marta Pérez*
*Dr. Solomon C. Stinson*

17 septanm 2004

Chè Paran/Gadyen:

Pou reponn a trajedi Jimmy Ryce la, Eta Florid amande Akò Predatè Sèksyèl la, ki mande pou tout endividi ke yo konnen kòm predatè sèksyèl "anrejistre nan 48èd tan apre yo vin abite nan konte a an pèmanans oubyen tanporèman. Abite tanporè genyen ladan rete de semèn oubyen plis." Lwa Florid la mande ranfòsman lalwa nan zòn yo pou avize kominote a, nan obeyi Estati Florid la, Depatman Lapolis Miami-Dade responsab pou avize chak sant swen timoun ki lisansye, lekòl elemantè, lekòl mwayen, ak lekòl segondè ki nan yon mil sikonfrans ak prezans predatè seksyèl ki vin abite tanporèman oubyen an pèmanans nan Miami-Dade County.

As kòz resilta lwa sa a, Lekòl Leta Miami-Dade County genyen yon antant pou yo travay ak ajans ranfòsman lalwa pou asiste nan pwosesis notifikasyon an. Diran kous ane lekòl la, ou ap resevwa lèt ki ap soti nan men direktè lekòl pitit ou a pou enfòme w lè yon predatè seksyèl vin abite nan Miami-Dade County. Lè ou resevwa lèt sa a, mwen swete ou chèche ofri pitit ou pwoteksyon nan revize prekosyon sekirite ak li nan kay la. Si ou ta bezwen plis resous pou edike pitit ou sou mezi sekirite, nou ap ankouraje w pou kontakte lekòl ou a oubyen vizite paj Entènèt, FDLE'S Guide Lights to Protect Your Child's Safety (Gid Limyè pou Pwoteje Sekirite Pitit ou) ki lokalize nan **http://www.fdle.state.fl.us/Publications/childsafety.asp**, e Sant Nasyonal pou Timoun ki Pèdi oubyen ki Eksplwate, ki lokalize nan **http://www.missingkids.com/**. Si ou genyen nenpòt dout konsènan sa pou ou fè ak pitit nan sitiyasyon sa a oubyen ou bezwen plis enfòmasyon anjeneral sou predatè seksyèl, silvouplè kontakte ajans ranfòsman lalwa nan zòn ou.

Efò sistèm lekòl la, mete ansanm ak pa w e pa ajans ranfòsman lalwa nan zòn nan ap ede amelyore sekirite timoun nou yo. Nou apresye koòperasyon ou anpil.

Sensèman,

Rudolph F. Crew, Ed.D
Sipèentandan Lekòl yo

RFC:tpr

cc: Komisyon Konsèy Lekòl yo
Pou Tout Lokasyon Travay yo

**School Board Administration Building** • *1450 N.E. 2nd Avenue • Miami, Florida 33132*
*305-995-1430 • Fax 305-995-1488 •* ***www.dadeschools.net***

Letter to New Parent(s)/Guardian(s) from Principal

Date _____

Dear Parent/Guardian:

I would like to take this opportunity to thank you for registering your child with Miami-Dade County Public Schools (M-DCPS). Please be assured that M-DCPS continues to strive to make our schools safe places for your child to learn. Florida law requires that local law enforcement notify the community, in order to comply with the Florida Statutes, the Miami-Dade Police Department is responsible for notifying each licensed day care center, elementary school, middle school, and high school within a one mile radius of the presence of the sexual predator with temporary or permanent residence in Miami-Dade County.

M-DCPS is currently working with the Florida Department of Law Enforcement and local law enforcement agencies to notify the community of any registered sexual predators living in Miami-Dade County. During the course of the school year, you will be receiving letters from my office informing you that a sexual predator has moved into Miami-Dade County. When you receive these letters, I hope that you will seek to provide protection to your child by reviewing safety precautions with him or her at home. If you are in need of additional resources for educating your child on safety measures, we encourage you to contact your school or visit the following websites, FDLE's Guide Lights to Protect Your Child's Safety located at http://www.fdle.state.fl.us/Publications/childsafety.asp, and the National Center for Missing and Exploited Children located at http://www.missingkids.com/.

If you wish to find out about any registered sexual predators already residing in Miami-Dade County about whom letters were previously sent, please feel free to come to the school and review the binder in our office containing information about these individuals.

The efforts of the school system, combined with yours and those of local law enforcement agencies, will enhance the safety of our children. Your cooperation is greatly appreciated.

_____

Principal

# REGISTERED SEXUAL PREDATORS

Photograph
of
Registered
Sexual
Predator

**John Doe**
**Address:** xxxxxxxxxxxxxxxxxxxxxxxx, Miami
**Race:** xxxxxx **Hair:** xxxxxx **Eyes:** xxxxxxx **DOB:** xx/xx/xx
**Height:** xxxxx **Weight:** xxxxxx **Sex:** xxxxxxxx
**[NEW ADDRESS]**

Photograph
of
Registered
Sexual
Predator

**John Doe**
**Address:** xxxxxxxxxxxxxxxxxxxxxxxx, Miami
**Race:** xxxxxx **Hair:** xxxxxx **Eyes:** xxxxxxx **DOB:** xx/xx/xx
**Height:** xxxxx **Weight:** xxxxxx **Sex:** xxxxxxxx
**[NEW ADDRESS]**

Photograph
of
Registered
Sexual
Predator

**John Doe**
**Address:** xxxxxxxxxxxxxxxxxxxxxxxx, Miami
**Race:** xxxxxx **Hair:** xxxxxx **Eyes:** xxxxxxx **DOB:** xx/xx/xx
**Height:** xxxxx **Weight:** xxxxxx **Sex:** xxxxxxxx
**[NEW ADDRESS]**

Photograph
of
Registered
Sexual
Predator

**John Doe**
**Address:** xxxxxxxxxxxxxxxxxxxxxxxx, Miami
**Race:** xxxxxx **Hair:** xxxxxx **Eyes:** xxxxxxx **DOB:** xx/xx/xx
**Height:** xxxxx **Weight:** xxxxxx **Sex:** xxxxxxxx
**[NEW ADDRESS]**

[School Letterhead]

Letter to Parent(s)/Guardian(s) from Principal

Date _____

Dear Parent/Guardian:

The Miami-Dade County Public Schools has recently been notified by the Miami-Dade Police Department as to the presence of specific registered sexual predators who are now residing in Miami-Dade County.

In an effort to keep our children safe, enclosed are the pictures of specific individuals which have been provided to us by the Miami-Dade Police Department. At this time, we have had no reports of any additional crimes or incidents involving these individuals. If you need any further information regarding these individuals, please feel free to contact the Florida Department of Law Enforcement through their internet website located at www.fdle.state.fl.us, or through their toll free telephone number, 1-888-357-7332. It is our hope that these individuals no longer pose a threat to our children and our community.

While the staff at our school will be explaining and teaching your child the relevant safety measures that they should know, please take this opportunity to contact us for other resources that you may be able to utilize at home with your child. In order to help educate your child on safety measures, we encourage you not to solely rely on this information, but seek other sources such as those provided at the following websites, FDLE's Guide Lights to Protect Your Child's Safety located at http://www.fdle.state.fl.us/Publications/childsafety.asp, and the National Center for Missing and Exploited Children located at http://www.missingkids.com/. If you have any doubts regarding how to handle the situation with your child or need additional information about sexual predators in general, please contact your local law enforcement agency.

The efforts of the school system, combined with yours and those of local law enforcement agencies, will enhance the safety of our children. Your support is greatly appreciated.

_____
Principal

The School Board of Miami-Dade County, Florida, adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

**Title VI of the Civil Rights Act of 1964** - prohibits discrimination on the basis of race, color, religion, or national origin.

**Title VII of the Civil Rights Act of 1964**, as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

**Title IX of the Education Amendments of 1972** - prohibits discrimination on the basis of gender.

**Age Discrimination in Employment Act of 1967 (ADEA)**, as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

**The Equal Pay Act of 1963**, as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

**Section 504 of the Rehabilitation Act of 1973** - prohibits discrimination against the disabled.

**Americans with Disabilities Act of 1990 (ADA)** - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations, and telecommunications.

**The Family and Medical Leave Act of 1993 (FMLA)** - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

**The Pregnancy Discrimination Act of 1978** - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

**Florida Educational Equity Act (FEEA)** - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

**Florida Civil Rights Act of 1992** - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

**School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx13- 5D-1.10** - prohibit harassment and/or discrimination against a student or employee on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability.

*Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.*

REVISED 8/1/01